

# **EXHIBIT 33**

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEW JERSEY

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5 IN RE JOHNSON & JOHNSON )

6 TALCUM POWDER PRODUCTS )

7 MARKETING, SALES PRACTICES, )

8 AND PRODUCTS LIABILITY )MDL NO. 16-2738

9 LITIGATION ) (FLW) (LHG)

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14 --- This is the Oral Deposition of JACK  
15 SIEMIATYCKI, MSc, PhD, taken via Golkow Litigation  
16 Services' Zoom Videoconferencing platform, with all  
17 participants attending remotely, on the 21st day of  
18 September, 2021.

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22 Reported By: Deana Santedicola, CSR (Ont.), RPR,

23 CRR

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<p>1 APP E A R A N C E S:</p> <p>2 FOR THE PLAINTIFFS:</p> <p>3</p> <p>4 ASHCRAFT &amp; GEREL, LLP</p> <p>5 PER: Michelle A. Parfitt, Esq.</p> <p>6 James Green, Esq.</p> <p>7 1825 K Street NW,</p> <p>8 Suite 700</p> <p>9 Washington, DC 20006</p> <p>10 Tel. 202.783.6400</p> <p>11 Email: mparfitt@ashcraftlaw.com</p> <p>12</p> <p>13 LEVIN PAPANTONIO RAFFERTY</p> <p>14 PER: Christopher V. Tisi</p> <p>15 316 South Baylen St.</p> <p>16 Pensacola, FL 32502</p> <p>17 Tel. 850.435.7000</p> <p>18 Email: ctisi@levinlaw.com</p> <p>19</p> <p>20 FOR THE DEFENDANTS, JOHNSON &amp; JOHNSON and</p> <p>21 JOHNSON &amp; JOHNSON CONSUMER INC.:</p> <p>22</p> <p>23 TUCKER ELLIS LLP</p> <p>24 PER: Michael C. Zellers, Esq.</p> <p>25 515 South Flower Street</p>	<p>1 INDEX OF PROCEEDINGS</p> <p>2</p> <p>3 WITNESS: DR. JACK SIEMIATYCKI</p> <p>4 PAGES</p> <p>5 EXAMINATION BY MR. ZELLERS..... 8 - 160</p> <p>6 EXAMINATION BY MS. PARFITT..... 160 - 164</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 42nd Floor</p> <p>2 Los Angeles, California 90071</p> <p>3 Tel. 213.430.3400</p> <p>4 Email: michael.zellers@tuckerellis.com</p> <p>5</p> <p>6 FAEGRE DRINKER BIDDLE &amp; REATH LLP</p> <p>7 PER: Eric M. Friedman, Esq.</p> <p>8 300 North Meridian Street</p> <p>9 Suite 2500</p> <p>10 Indianapolis, Indiana 46204</p> <p>11 Tel. 317.237.0300</p> <p>12 Email: eric.friedman@faegredrinker.com</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX OF EXHIBITS</p> <p>2</p> <p>3 NO. DESCRIPTION PAGE/LINE</p> <p>4</p> <p>5 1 Deposition Notice and document request 9:21</p> <p>6 of Jack Siemiatycki, MSc, PhD, tab 1</p> <p>7 Deposition Exhibit Binder Volume 1,</p> <p>8 tab 1.</p> <p>9 2 Amended Expert Report of Jack 10:24</p> <p>10 Siemiatycki, MSc, PhD, dated June 30, 2021,</p> <p>11 tab 4, Deposition Exhibit Binder Volume 1.</p> <p>12 3 Red-Lined amended report of Jack 11:11</p> <p>13 Siemiatycki, MSc, PhD, dated June 30, 2021,</p> <p>14 tab 5, Deposition Exhibit Binder Volume 1.</p> <p>15 4 Curriculum Vitae of Jack Siemiatycki, 12:13</p> <p>16 tab 7, Deposition Exhibit Binder Volume 1.</p> <p>17 5 Exhibit C to amended report of J. 13:9</p> <p>18 Siemiatycki, tab 8 of Deposition Exhibit</p> <p>19 Binder Volume 1.</p> <p>20 6 Document entitled Additional Materials 14:6</p> <p>21 Considered by Dr. Jack Siemiatycki, tab 9,</p> <p>22 Deposition Exhibit Binder Volume 1.</p> <p>23 7 Binder 1 of documents produced by 16:20</p> <p>24 counsel for Plaintiffs on September 17,</p> <p>25 2021, in response to the Deposition Notice.</p>

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<p>1 8 Binder 2 of documents produced by      2 counsel for Plaintiffs on September 17,      3 2021, in response to the Deposition Notice.      4 9 Invoices of JS EpiTech Inc. (Jack      5 Siemiatycki, Ph.D.) tab 34, Deposition      6 Exhibit Binder Volume 3.</p> <p>7 10 Letter to Judge Pisano dated April 5,      8 2019, tab 11 of the binder.</p> <p>9 11 April 17, 2019, letter to Judge Pisano      10 from Ms. Parfitt attaching several      11 additional communications between Dr.      12 Siemiatycki and Mr. Hancock, tab 12,      13 Deposition Exhibit Binder Volume 1.</p> <p>14 12 April 21st Health Canada Screening      15 Assessment, tab 23, Deposition Exhibit      16 Binder Volume 1.</p> <p>17 13 NCI - Ovarian, Fallopian Tube, and      18 Primary Perineal Cancer Prevention (PDQ),      19 tab 43, Deposition Exhibit Binder Volume 3.</p> <p>20 14 Wentzensen 2021 article, tab 40,      21 Deposition Exhibit Binder Volume 3.</p> <p>22 15 2013 Terry study, tab 38, Deposition      23 Exhibit Binder Volume 3.</p> <p>24 16 2020 O'Brien study, tab 30 in      25 Deposition Exhibit Binder Volume 3.</p>	<p>16:24</p> <p>22:23</p> <p>41:17</p> <p>60:2</p> <p>69:6</p> <p>79:4</p> <p>105:9</p> <p>109:14</p> <p>110:2</p> <p>-- Upon commencing at 10:04 a.m.</p> <p>JACK SIEMIATYCKI, MSc, PhD; AFFIRMED.</p> <p>EXAMINATION BY MR. ZELLERS:</p> <p>Q. Please state your name for the record.</p> <p>A. My name is Jack Siemiatycki.</p> <p>Q. Dr. Siemiatycki, my name is Michael Zellers, and I am going to ask you some questions today on behalf of the J&amp;J Defendants in the talc ovarian cancer MDL proceeding; do you understand that?</p> <p>A. Yes, I do.</p> <p>Q. I understand from counsel for the Plaintiffs that at the outset you need to make a statement or a correction to your report?</p> <p>A. Yes, that is true.</p> <p>Q. Please do that.</p> <p>A. Thank you. So on re-reading my report a few days ago, I noticed a typo that I want to correct, and that is on page 40 of my report, the report dated June 30, 2021, okay, on line -- in the first paragraph, line 8, it begins: Table 2, all of the RRs are in Figure 1 and all of the RRs in Figure 1 are to the left of the null value.</p>
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<p>1 17 Cramer 2016 study, tab 18, Exhibit      2 Binder Volume 1.</p> <p>3 18 Dr. Gossett's article titled "Use of      4 Powder in the Genital Area and Ovarian      5 Cancer Risk, Examining the Evidence", tab      6 22, Deposition Exhibit Binder Volume 1.</p> <p>7 19 Davis and Schildkraut 2021 study, tab      8 19, Deposition Exhibit Binder 1.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>115:2</p> <p>130:7</p> <p>144:13</p> <p>1 It should be "to the right of the null value".</p> <p>2 Q. All right, we will note that</p> <p>3 correction, and thank you for that. Any reason we</p> <p>4 cannot -- yes, Ms. Parfitt?</p> <p>5 MS. PARFITT: Michael, what I would</p> <p>6 do -- Mr. Zellers, what I would do at this point in</p> <p>7 time, we will at the conclusion of the deposition</p> <p>8 and before the reporter finalizes this deposition,</p> <p>9 we will make a correction on that report or ask Dr.</p> <p>10 Siemiatycki to do that and substitute a correct</p> <p>11 report page 40, if that is fine with counsel.</p> <p>12 MR. ZELLERS: Yes, that is perfectly</p> <p>13 acceptable.</p> <p>14 MS. PARFITT: Thank you.</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. Dr. Siemiatycki, please take a</p> <p>17 look at the Deposition Exhibit Binder, Volume 1,</p> <p>18 and tab 1, we'll mark that as Exhibit 1 to this</p> <p>19 deposition. It is the Deposition Notice and the</p> <p>20 document request.</p> <p>21 EXHIBIT NO. 1: Deposition Notice</p> <p>22 and document request of Jack</p> <p>23 Siemiatycki, MSc, PhD, tab 1</p> <p>24 Deposition Exhibit Binder Volume 1,</p> <p>25 tab 1.</p>

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1	BY MR. ZELLERS:	
2	Q. Do you see that, Doctor?	1 A. Each time I am asked to send my
3	A. Yes, I do.	2 CV, I go over -- well, certainly there are updates
4	Q. And did you receive that Notice of	3 between one and another because I produce things
5	Deposition and Request for Documents prior to your	4 regularly and I do things regularly.
6	deposition here today?	5 And depending on the purpose of the CV
7	A. Yes, I did.	6 and the request, I may make other modifications
8	Q. You will see that, if you look at	7 that I think are appropriate in the context.
9	Schedule "A", there were a number of documents to	8
10	be produced. Do you know whether or not all of the	9 Q. All right. Well, let's mark for
11	responsive documents have been produced, as called	10 purposes of this deposition the most recent
12	for in Deposition Exhibit 1?	11 curriculum vitae that was produced to us, and that
13	A. To the best of my knowledge and	12 will be marked as Exhibit 4, and it is tab 7 in the
14	recollection, all of them have been produced.	13 Deposition Exhibit Binder Volume 1.
15	Q. Are there any documents that are	14 EXHIBIT NO. 4: Curriculum Vitae of
16	responsive to the Deposition Notice, and	15 Jack Siemiatycki, tab 7, Deposition
17	specifically the Request for Documents, that have	16 Exhibit Binder Volume 1.
18	not been provided by you to the extent they are	17 BY MR. ZELLERS:
19	available to counsel for Plaintiffs?	18 Q. So, Dr. Siemiatycki, can you take
20	A. No, I don't think so.	19 a quick look and just verify that that is your most
21	Q. Let's mark as Deposition Exhibit 2	20 up-to-date and current curriculum vitae?
22	your amended report, and that is tab 4 in	21 A. Yes. Yes, I think it is.
23	Deposition Exhibit Binder Volume 1.	22 Q. Are there any additions or
24	EXHIBIT NO. 2: Amended Expert Report	23 corrections that need to be made to that curriculum
25	of Jack Siemiatycki, MSc, PhD, dated	24 vitae?
	Page 11	Page 13
1	June 30, 2021, tab 4, Deposition	1 Q. All right, none that would be
2	Exhibit Binder Volume 1.	2 relevant, at least in your view, to the issues we
3	MR. ZELLERS: So your amended report is	3 are discussing today; is that correct?
4	Exhibit 2, and we will substitute in the page that	4 A. That's correct.
5	Ms. Parfitt has requested and that you have	5 Q. Let's mark Exhibit C to your
6	requested prior to finalizing the exhibits.	6 amended report as a separate exhibit, and we'll
7	Exhibit 3 to this deposition will be a	7 mark that as Exhibit 5, and that is tab 8 of the
8	red-lined amended report dated June 30 of 2021, and	8 Deposition Exhibit Binder Volume 1.
9	that is tab 5 in Deposition Exhibit Binder Volume	9 EXHIBIT NO. 5: Exhibit C to amended
10	1.	10 report of J. Siemiatycki, tab 8 of
11	EXHIBIT NO. 3: Red-lined amended	11 Deposition Exhibit Binder Volume 1.
12	report of Jack Siemiatycki, MSc, PhD,	12 BY MR. ZELLERS:
13	dated June 30, 2021, tab 5,	13 Q. So do you see that document?
14	Deposition Exhibit Binder Volume 1.	14 A. I do see that.
15	BY MR. ZELLERS:	15 Q. And this is titled "Additional
16	Q. So, Dr. Siemiatycki, what Exhibit	16 Materials Considered for Jack Siemiatycki Ph.D.;"
17	3 is, is a comparison of your amended report to the	17 is that right?
18	original report that you prepared in November of	18 A. That's correct.
19	2018.	19 Q. Is it your understanding and
20	I have a couple of curriculum vitas,	20 recollection that this also was attached as Exhibit
21	one that was provided with your report, the amended	21 C to your amended report dated June 30 of 2021?
22	report, June 30, 2021, and then what looks to be a	22 A. Yes, I believe it was.
23	revised curriculum vitae that was produced on or	23 Q. Dr. Siemiatycki, we received then
24	about September I think 17th of 2021. Are those	24 a notice of additional materials that you
25	two CVs different, if you are aware?	25 considered, and we'll mark that listing of

<p>1 additional materials considered, and I assume this 2 is beyond what we just marked as Exhibit 5. We'll 3 mark that listing of additional materials as 4 Exhibit 6, and that is tab 9 in the Deposition 5 Exhibit Binder Volume 1.</p> <p>6 EXHIBIT NO. 6: Document entitled 7 Additional Materials Considered by Dr. 8 Jack Siemiatycki, tab 9, Deposition 9 Exhibit Binder Volume 1.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. So can you take just a quick look 12 at what we have marked as Exhibit 6.</p> <p>13 A. Are you now referring again to 14 Exhibit C?</p> <p>15 Q. No.</p> <p>16 A. All right.</p> <p>17 Q. And it is a bit confusing because 18 those documents have the same title, but Exhibit 5 19 is what was Exhibit C to your report. Exhibit 6, 20 which we have just marked, is tab 9 in the 21 Deposition Exhibit Binder 1.</p> <p>22 A. Okay.</p> <p>23 Q. All right. Have you seen this 24 listing of additional materials considered, the 25 second one that we have marked as Exhibit 6,</p>	<p>Page 14</p> <p>1 your amended report, MDL report, your original 2 November 2018 MDL report, and anything additional 3 that you may tell me today in response to 4 questioning. Is that your understanding as well?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. All right. Finally, there were 7 two large binders of documents that were produced 8 in response to the Deposition Notice by counsel for 9 the Plaintiffs, and so those are the two large 10 binders that were provided to you.</p> <p>11 Ms. Court Reporter, I'll mark for the 12 record as Deposition Exhibit 7 and 8 the two 13 binders of documents that were produced by counsel 14 for Plaintiffs on September 17, 2021, in response 15 to the Deposition Notice, and those documents, Dr. 16 Siemiatycki, are in the large binders behind you. 17 I think you can assume that for the time being. If 18 there is anything specific that I want you to pull 19 out, then I will ask you to do that.</p> <p>20 EXHIBIT NO. 7: Binder 1 of documents 21 produced by counsel for Plaintiffs on 22 September 17, 2021, in response to the 23 Deposition Notice.</p> <p>24 EXHIBIT NO. 8: Binder 2 of documents 25 produced by counsel for Plaintiffs on</p>
<p>1 before?</p> <p>2 A. I have seen these articles 3 recently, yes.</p> <p>4 Q. My understanding is that these 5 materials that are identified on Exhibit 6 are 6 materials that were provided to you after you had 7 completed your June 30, 2021 amended report; is 8 that right?</p> <p>9 A. That's correct.</p> <p>10 Q. Did you review all of these 11 materials?</p> <p>12 A. Not before finalizing my report, 13 obviously, but I have reviewed all of these 14 materials.</p> <p>15 Q. All right, since you finalized 16 your report, your amended report that we marked as 17 Exhibit 2; correct?</p> <p>18 A. Correct.</p> <p>19 Q. Do any of these materials change 20 or alter any of the opinions that you have set 21 forth in your amended report?</p> <p>22 A. No. No, they don't.</p> <p>23 Q. My understanding is that the 24 opinions that you expect to testify to at any trial 25 or hearing in this matter would be set forth in</p>	<p>Page 15</p> <p>1 September 17, 2021, in response to the 2 Deposition Notice.</p> <p>3 BY MR. ZELLERS:</p> <p>4 Q. But my question is, there is a 5 total of 23 documents that are contained in those 6 binders, Exhibits 7 and 8, that were produced to 7 the Defendants in advance of your deposition. Did 8 you have a role in selecting those documents that 9 were produced, or was that something that was done 10 by counsel for Plaintiffs?</p> <p>11 A. I didn't have a role. I didn't 12 select, so I am not sure what is there exactly.</p> <p>13 Q. All right. Looking at the 14 documents that were produced in accordance or in 15 response to the Deposition Notice, there are three 16 large reports by Dr. Longo. My understanding is 17 you have reviewed a number of reports of Dr. Longo; 18 is that right?</p> <p>19 A. Yes.</p> <p>20 Q. Do you review those reports page 21 by page, or do you skim through those reports?</p> <p>22 A. I would say it is a mixture of 23 those two modus operandi. When I look at the 24 nature of the document, if I feel that it is very 25 technical in terms of the testing methods, I will</p>

<p style="text-align: right;">Page 18</p> <p>1 skim over those parts because it is beyond my area 2 of expertise. I'll look at the conclusions, and 3 between looking at the conclusions and skimming 4 over the technical parts, I try to get a sense of 5 what the author tried to do and how he interprets 6 the results.</p> <p>7 Q. You have reviewed many, many, many 8 documents in connection with the talc litigation; 9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. All of the documents that are 12 listed today we are going to talk about your 13 additional materials considered list, Exhibit C to 14 your amended report, which we have marked as 15 Exhibit 5 to this deposition and then also those 16 seven or so documents that you were sent after your 17 report, which we have marked as Exhibit 6. Is 18 it fair -- first question is, have you reviewed all 19 of the materials in some way that are on those 20 lists?</p> <p>21 A. I didn't personally assemble the 22 list. I asked -- there are -- every article that 23 is referenced in my bibliography of my report I 24 reviewed personally. For the other documents, 25 these were documents that were sent to me by</p>	<p style="text-align: right;">Page 20</p> <p>1 personally and intensively reviewed that came from 2 some of the non-public documents, and those 3 were -- the ones I recall offhand had to do with 4 company documents, correspondence, or reports about 5 the presence of talc and the composition of talc 6 going back in time. And some of that material 7 influenced how I viewed the published public domain 8 information.</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. Doctor --</p> <p>11 A. Yes, sorry, go ahead.</p> <p>12 Q. Have you finished your answer?</p> <p>13 A. I was going to say, I am not -- I 14 wouldn't categorically say that none of the other 15 unpublished material that was sent to me that 16 I -- none of that influenced how I see this whole 17 picture, but I feel like almost everything that I 18 needed was available in one way or another, in one 19 form or another, in the publicly available domain.</p> <p>20 Q. You are not an expert in asbestos; 21 correct?</p> <p>22 A. I have done research on asbestos, 23 and I have been involved with asbestos and cancer 24 issues for a long time, not in relation to talc or 25 contamination of talc with asbestos. That has not</p>
<p style="text-align: right;">Page 19</p> <p>1 counsel, and the degree and the intensity of review 2 would be variable, and I did not make notes of the 3 extent to which I reviewed each one. I made a 4 judgment call about whether it was useful for me to 5 spend time reviewing document "x" or pass on to 6 document "y" and so on.</p> <p>7 Q. In your first deposition that was 8 taken in January of 2019, you made a distinction 9 between publicly available materials and materials 10 that were not publicly available but which were 11 provided to you by counsel for the Plaintiffs. Do 12 you recall that distinction?</p> <p>13 A. I understand the distinction. I 14 don't recall the discussion about it.</p> <p>15 Q. Understood. Here is my new 16 question for you. Did you rely on any of the 17 non-public documents that were provided to you in 18 rendering your opinion in this matter?</p> <p>19 MS. PARFITT: Objection to form.</p> <p>20 THE WITNESS: My recollection is that 21 my opinion about talc and ovarian cancer is almost 22 exclusively based on the publicly available 23 material that I personally read and reviewed and 24 pondered, but there were ancillary issues that 25 influenced how I considered the evidence that I</p>	<p style="text-align: right;">Page 21</p> <p>1 been an area of research or expertise, but I have 2 been involved in cancer -- in asbestos cancer 3 research.</p> <p>4 Q. Understood. With respect to the 5 identification of asbestos in a product, you are 6 not involved or have you been trained with respect 7 to asbestos testing; is that right?</p> <p>8 A. That's correct.</p> <p>9 MS. PARFITT: Objection to form.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. You understood and you have 12 reviewed reports from Dr. Longo; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. As of the time of your initial MDL 15 deposition back in January of 2019, you said at 16 that time that you were not capable of adjudicating 17 between the experts for the Plaintiff on asbestos 18 and the experts for the Defence on asbestos. Is 19 that still your opinion today?</p> <p>20 MS. PARFITT: Objection to form.</p> <p>21 THE WITNESS: Essentially, yes, that I 22 am capable of ascertaining whether there is a 23 consensus among experts on topics that I am not 24 expert in myself, and I am capable of ascertaining 25 whether there are differences of opinion among</p>

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<p>1 experts in a domain that I am not expert in.      2 BY MR. ZELLERS:      3 Q. You understand on the issue of      4 asbestos and whether or not asbestos has or has not      5 been found in Johnson &amp; Johnson talc products, that      6 there are experts on the Plaintiff side,      7 specifically Dr. Longo and Dr. Rigler, and there      8 are experts on the Defence side; is that right?      9 A. Yes.      10 MS. PARFITT: Objection to the form.      11 BY MR. ZELLERS:      12 Q. You are not wading into that arena      13 in terms of trying to determine whether the      14 Plaintiff experts are correct or the Defence      15 experts are correct; is that right?      16 A. That's correct.      17 MS. PARFITT: Objection to form.      18 BY MR. ZELLERS:      19 Q. One of the documents that I would      20 like to quickly mark and ask you about are your      21 invoices. We'll mark your invoices as Deposition      22 Exhibit 9.</p> <p>23 EXHIBIT NO. 9: Invoices of JS EpiTech      24 Inc. (Jack Siemiatycki, Ph.D.) tab 34,      25 Deposition Exhibit Binder Volume 3.</p>	<p>1 A. Yes, I see that.      2 Q. Looking at all six of your      3 invoices, these four invoices we have marked as      4 Exhibit 9 and the first two invoices that were      5 discussed at your first deposition, shows that you      6 have worked 377 hours at \$450 an hour and that you      7 have been paid just under \$170,000. Does that all      8 seem right?      9 A. It seems right, yes.      10 Q. I don't see that there are any      11 individuals for your company that are billed      12 separately. You do have individuals who assist you      13 in terms of reviewing documents and helping you      14 with reports and whatnot; is that correct?      15 A. That's correct.      16 MS. PARFITT: Objection to form.      17 BY MR. ZELLERS:      18 Q. All right. Are those folks      19 included within the \$450 an hour that you charge,      20 or are there separate billings for those      21 individuals?      22 A. There are no separate billings. I      23 roll their time into and their charges into this.      24 But it is very minimal. It is probably less      25 than -- I don't know, I was going to say 1 percent</p>
Page 23	Page 25
<p>1 BY MR. ZELLERS:      2 Q. And those are found at tab 34,      3 Deposition Exhibit Binder Volume 2. I think that      4 is incorrect. I believe it is Deposition Exhibit      5 Binder number 3, tab 34. Do you see those      6 invoices, Doctor?      7 A. I do, sir.      8 Q. And those are the invoices that      9 you have submitted to the Plaintiffs in the MDL      10 litigation; is that right?      11 A. Yes, it is.      12 Q. It refers to JS EpiTech Inc.; is      13 that your company?      14 A. Yes, it is.      15 Q. Do these invoices, along with the      16 two invoices that were produced at your first MDL      17 deposition, represent all of the time that you have      18 spent on the talc litigation working with      19 Plaintiffs' counsel?      20 A. I am just looking at the dates on      21 these things, if you give me a minute.      22 Yes, I would say these -- this      23 constitutes the entire list up to that date, yes.      24 Q. The ending date is June 17th of      25 2021; is that correct?</p>	<p>1 of the total, but it is in the single digits      2 percent of the total.      3 Q. Who in your office assisted you      4 with reviewing materials since your original report      5 in November of 2018 up until the present time?      6 A. Nobody. Nobody assists me in      7 reviewing materials. I do that myself.      8 Q. Did anyone assist you in term of      9 preparing your report, your amended report, Exhibit      10 2 to this deposition?      11 A. There are two tasks that I ask      12 other people to carry out. One is to carry out the      13 mechanics of the meta-analyses that I carry out, so      14 I will -- I have a research assistant who is very      15 familiar with the software and with my      16 instructions, and I only need to send her a list of      17 the studies that are involved, a list of the      18 results, the published results from those studies,      19 and I would ask her to carry out a meta-analysis      20 with fixing certain parameters of that analysis,      21 and she would send me back -- she would perform the      22 analysis, and she would send me back the output      23 from the meta-analysis program that I then take and      24 from which I create the tables that would appear in      25 my report.</p>

<p>1 Q. Dr. Siemiatycki, who is that 2 person?</p> <p>3 A. Her name is Mengting Xu, X-u.</p> <p>4 Q. Do you have an estimate of the 5 amount of time that Ms. Xu has spent in terms of 6 your meta-analysis and updating the meta-analysis 7 for purposes of your amended report?</p> <p>8 A. Not off the top of my head, but if 9 you give me a minute, I can --</p> <p>10 Q. Dr. Siemiatycki, all I need to 11 know is whether you, you know, know that off the 12 top of your head or not. Let me ask you a second 13 question. Were there any other folks in your 14 office that assisted in the preparation of the 15 amended report or any update to your meta-analysis?</p> <p>16 A. Yes, so the other person in my 17 team who assists with this is Leslie Richardson, 18 and she does two things. She has in the past 19 extracted -- from the studies that I identify as 20 being relevant to this issue, she extracts all the 21 results that are published in those studies and 22 puts them into a database, into a database program 23 called FileMaker, from which she creates Excel 24 files that she sends me.</p> <p>25 So it is a task of looking at the</p>	<p>Page 26</p> <p>1 of the documents that they have ever sent me, and 2 that is the starting point, I think, for that list.</p> <p>3 Q. Your invoices do not say anything 4 about the specific work that you did during that 5 time period. Is that your practice, or is that 6 something that you were instructed to omit by the 7 counsel for Plaintiffs in this case?</p> <p>8 MS. PARFITT: Objection to form.</p> <p>9 THE WITNESS: I didn't receive any 10 instructions of how to present my invoices, and no, 11 I didn't think to do it any other way than the way 12 I did it.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. Is that typically the way you bill 15 for your services of your company, to give no 16 description of what you did during a particular 17 time period?</p> <p>18 A. Well, the description --</p> <p>19 MS. PARFITT: Objection to form.</p> <p>20 THE WITNESS: The description is --</p> <p>21 MS. PARFITT: Thank you, Doctor.</p> <p>22 THE WITNESS: I'm sorry, I'm sorry. 23 The description is in the description of the claim, 24 and the work done that I indicate encapsulates 25 everything that was done.</p>
<p>1 article and, without any judgment or selection or 2 screening, take every single result of a relative 3 risk estimate from any study that I identify, and 4 she puts it into this database. It is from that 5 that we then assemble lists of studies to be 6 included in meta-analyses.</p> <p>7 And the other thing that Leslie 8 Richardson does for me is helps with the layout of 9 documents and tables in documents, so she is very 10 capable of -- more capable than me certainly of 11 manipulating Word documents and creating tables 12 that are attractive enough to be understood. And 13 so she performs that function for me as well.</p> <p>14 Q. All right. Dr. Siemiatycki, did 15 you work with anyone at any of the offices for the 16 Plaintiffs' counsel in this matter in the 17 preparation of your amended report?</p> <p>18 A. No, I didn't.</p> <p>19 Q. The listing of additional 20 materials, the first listing of additional 21 materials which we marked as Exhibit 5, did counsel 22 for Plaintiffs assist with that?</p> <p>23 A. Yes. Yes, they did.</p> <p>24 Q. All right.</p> <p>25 A. I mean, I asked them to list all</p>	<p>Page 27</p> <p>1 BY MR. ZELLERS: 2 Q. Doctor, do you have an estimate to 3 the amount of time you have spent with respect to 4 the talc litigation since June 17th of 2021, just 5 in terms of hours?</p> <p>6 A. So I don't have this sort of 7 formally available, but I am guessing that it would 8 now be in the order of 20 hours or 30 hours or 9 maybe -- something in the order of 20 to 30.</p> <p>10 Q. Since June 17 of 2021 when your 11 last invoice was sent; is that right?</p> <p>12 A. Yes.</p> <p>13 Q. I understand that you have done 14 work in the talc litigation for matters other than 15 the MDL proceeding; is that correct?</p> <p>16 MS. PARFITT: Objection to form, vague. 17 THE WITNESS: Yes.</p> <p>18 BY MR. ZELLERS: 19 Q. You gave a deposition back in 2016 20 in a matter Oules, O-u-l-e-s. You testified at a 21 state court trial in California, the Echeverria 22 trial in 2017. Are those matters included in the 23 377 hours that you had billed in this matter up and 24 through June 17 of 2021, or would those be 25 additional billings to other lawyers?</p>

<p style="text-align: right;">Page 30</p> <p>1        A. They would be additional billings.      2        Q. What lawyers have you billed time      3        for in the talc litigation other than the MDL      4        lawyers that are here today; do you recall offhand?      5        A. Is that privileged information? I      6        am not sure. Can I answer -- is that --      7        Q. Well, I guess the question number      8        one is do you recall what lawyers you have worked      9        with generally?      10      A. Yes.      11      Q. All right. Have you worked on      12     matters other than the Oules litigation and the      13     Echeverria litigation? Are there additional      14     matters that you have worked on?      15     MS. PARFITT: Objection to -- Dr.      16     Siemiatycki, with regard to any situations where      17     you have been a consultant, that is not the      18     question. This is where you have been retained --      19     MR. ZELLERS: Well, Ms. --      20     MS. PARFITT: Let me just finish --      21     retained and actually presented. Go ahead, Mr.      22     Zellers.      23     BY MR. ZELLERS:      24     Q. Ms. Parfitt, my question is a      25     little bit different.</p>	<p style="text-align: right;">Page 32</p> <p>1        and the MDL matter?      2        A. That I have been named to the      3        Court? I don't think --      4        Q. All right.      5        A. Sorry.      6        Q. Thank you. Are there additional      7        matters where you have served as a consultant in      8        talc litigation other than the three matters that      9        we have identified? And that is a yes or a no      10      answer.      11      A. Yes.      12      Q. How many additional matters have      13     you billed time on as a consultant? Without      14     identifying the name of the matter, without      15     identifying the lawyer, just give me the number of      16     other, you know, cases in which you are consulting,      17     the number?      18      A. One.      19      Q. One, all right. All right,      20     Doctor, that is it for the invoices.      21     I want to ask you some questions about      22     Exhibit C to your amended report, which we have      23     marked separately as Exhibit 5 to this deposition.      24     Do you have that in front of you?      25     A. We are back to binder Volume 1,</p>
<p style="text-align: right;">Page 31</p> <p>1        MS. PARFITT: I'm sorry.      2        BY MR. ZELLERS:      3        Q. So, Dr. Siemiatycki, I do not want      4        you to divulge the names of any matters in which      5        you have done work but you have not been named as      6        an expert. I do want you, though, to tell me if      7        there are any such matters. So I don't want to      8        know the name of the matter. I don't want to know      9        the name of the lawyer. I just want to know the      10      number of talc matters that you are making separate      11     billings for. Are you able to estimate that for me      12     or tell me that?      13     A. So are you including in that the      14     two that you have mentioned that I did before the      15     MDL?      16     Q. Yes, so the Oules matter would be      17     a separate billing; correct?      18     A. Correct.      19     Q. And the 2017, the Echeverria      20     matter would be a separate billing; is that      21     correct?      22     A. That's correct.      23     Q. Are there additional matters in      24     which you have been named as an expert that you      25     have billed for in addition to those two matters</p>	<p style="text-align: right;">Page 33</p> <p>1        correct?      2        Q. Binder Volume 1, tab 8.      3        A. Thank you. I am going to keep      4        identifying them with the binder and tab number, if      5        that is okay with you.      6        Q. Well, if there is a need to do      7        that, that is fine, but we have identified all of      8        the documents in the beginning. And so for the      9        Court record, I think it will be easier just to      10      refer to the Deposition Exhibit, but if at any time      11      you are confused or we need to straighten something      12      out, feel free to do so.      13      A. Okay. I didn't keep track of how      14      you re-identified them, I'm sorry.      15      Q. That is good, and I will try to      16      direct you as we go along.      17      A. Thank you.      18      Q. So are you now looking at what was      19      Exhibit C and is Exhibit C to your amended report      20      which we have marked separately in this      21      exhibit -- or in this deposition as Exhibit 5?      22      A. Yes. I have it in front of me.      23      Q. What is meant by the statement at      24      the top "Additional Materials Considered [...]?"      25      A. Again, as I indicated before, this</p>

<p style="text-align: right;">Page 34</p> <p>1 list was compiled subsequent to my request to      2 counsel to make a list of all the materials that      3 they have sent me that are not in my bibliography.      4 Q. Your understanding is, is that in      5 the amended report you have a bibliography, and the      6 bibliography would be those materials which are      7 cited in your amended report; is that correct?      8 A. They may be cited, or they may      9 be -- certainly all the cited ones should be there,      10 and there may be some that are important references      11 that I used that maybe didn't find their way into a      12 citation, a specific citation, but that I      13 considered important enough to list as part of the      14 bibliography.</p> <p>15 Q. Does Deposition Exhibit 5 that we      16 are looking at contain documents that you were      17 provided both before and after you prepared your      18 original report in November of 2018?</p> <p>19 A. Yes, it does.</p> <p>20 Q. Are you able to tell for me, if we      21 went down this list, what materials are new - and      22 by "new", I mean provided to you after your      23 original report - and what materials you had      24 previously? And just give me a yes or no on that.</p> <p>25 A. Sorry, can you ask the question</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I carried out literature reviews      2 sort of in the standard way, keeping my eyes open      3 for journal articles that may be relevant to the      4 topic of ovarian cancer and talc use and looked at      5 other review articles that have appeared in the      6 meanwhile to see if there is anything in the      7 reference lists of those that I may have missed,      8 that sort of thing.</p> <p>9 Q. In addition, counsel for      10 Plaintiffs in this litigation provided you with      11 some articles. They provided you with some expert      12 reports. They provided you with company documents.      13 Is that fair?</p> <p>14 A. Yes, that is fair.</p> <p>15 Q. All right. The documents that you      16 thought were significant or that you relied on in      17 preparing your amended report, those documents are      18 referred to or referenced in some form or manner in      19 your amended report; is that right?</p> <p>20 MS. PARFITT: Objection to form,      21 misstates his testimony.</p> <p>22 THE WITNESS: That's correct.</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. The other materials that you may      25 have looked at, may have skimmed, just depending</p>
<p style="text-align: right;">Page 35</p> <p>1 again?</p> <p>2 Q. Sure. Looking at Exhibit C, if I      3 ask you to go down that list, and there is some --      4 well, it looks like 428 documents, are you able to      5 identify for me or could you identify for me which      6 ones you got before your original report was      7 prepared and which ones you received after your      8 original report was prepared?</p> <p>9 A. Not with -- I couldn't do it with      10 certainty. I can make pretty good guesses, but I      11 couldn't do that with certainty, no.</p> <p>12 Q. Understood. This document,      13 Exhibit 5 to the deposition, was prepared by      14 counsel for the Plaintiffs in the MDL litigation;      15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. And you requested that they make a      18 list of all of the documents that had been provided      19 to you; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. In preparing your amended report,      22 did you do any updated literature searches, or what      23 did you do in preparation for the amended report      24 with respect to collecting new materials or      25 additional materials?</p>	<p style="text-align: right;">Page 37</p> <p>1 upon what they were, that's what we have listed in      2 Exhibit 5 and titled "Additional Materials      3 Considered [...]"; correct?</p> <p>4 A. That's correct.</p> <p>5 MS. PARFITT: Objection to form.</p> <p>6 BY MR. ZELLERS:</p> <p>7 Q. With respect to the company      8 documents that are on your "Materials Considered"      9 list, is it fair to say you have not reviewed each      10 and every one of those documents?</p> <p>11 A. It is fair to say that I certainly      12 couldn't affirm that I have reviewed each and every      13 one of them.</p> <p>14 Q. You understand that that's just a      15 very small subset of documents that have been      16 produced or provided by the Defendants in this      17 litigation; is that right?</p> <p>18 A. Yes, I do.</p> <p>19 MS. PARFITT: Objection to form.</p> <p>20 BY MR. ZELLERS:</p> <p>21 Q. Is it important when you are      22 reviewing a medical-legal matter to put things in      23 context?</p> <p>24 A. Of course, as in everything in      25 life.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. With respect to the company 2 documents that have been provided to you, do you 3 understand that those are just the documents that 4 have been selected by Plaintiffs' counsel? 5 A. Yes, I understand. 6 MS. PARFITT: Objection to form. 7 BY MR. ZELLERS: 8 Q. And you have not had an 9 opportunity to review any responsive documents or 10 additional documents from the companies that would 11 put what you have been provided into context; is 12 that right? 13 MS. PARFITT: Objection to form, 14 misstates what he has done. 15 THE WITNESS: I am not sure I would 16 express it in the way that you have just expressed 17 it, but -- 18 BY MR. ZELLERS: 19 Q. Are you aware that millions of 20 pages of documents have been produced by the J&amp;J 21 and other Defendants in this litigation? 22 A. Yes -- well, I am aware -- I 23 assume that is the case, yes. 24 Q. Have you made any request to 25 Plaintiffs' counsel to provide you with additional</p>	<p style="text-align: right;">Page 40</p> <p>1 A. That is a fair statement. 2 Q. Doctor, a couple of questions 3 about the MDL proceeding. Since the time of your 4 first deposition, do you understand that the 5 parties in the MDL proceeding are conducting 6 discovery in a small number of potential trial 7 cases? 8 A. Sorry, could you repeat that? 9 Q. Sure. Are you aware that in the 10 MDL proceeding that the parties are conducting 11 discovery on a small number of potential trial 12 cases? 13 A. Yes, I understand that in general. 14 I don't have any information about who, where, why, 15 et cetera, but I understand that in general what 16 you have just said is the case. 17 Q. Are you aware of the names of any 18 of the Plaintiffs in this pool of Plaintiffs that 19 are being reviewed and worked up? 20 A. No, I am not. 21 Q. Have you been provided any medical 22 records for any of the Plaintiffs in the pool of 23 potential trial cases? 24 A. No, I have not been. 25 Q. Are you aware of the types of</p>
<p style="text-align: right;">Page 39</p> <p>1 company documents that have been produced that may 2 or may not put the company documents you were 3 provided into context? 4 A. So I am not sure -- 5 MS. PARFITT: Objection to form. 6 THE WITNESS: -- now what you mean by 7 the phrase "to put things into context". I 8 certainly understand that there is a lot more 9 information that I have not been provided. It 10 would be overwhelming, I am sure, to look at 11 everything that exists, and I am not sure whether 12 the documents that I was provided contain enough 13 information to appreciate the context in which 14 these documents -- so I certainly would assume that 15 I have not been sent or made available all possible 16 documents in the companies or elsewhere. 17 Whether these documents that were 18 selected to be sent to me provide appropriate 19 context or not is a separate issue, and I can't 20 opine about that. 21 BY MR. ZELLERS: 22 Q. Last question on this topic. You 23 do not regularly rely on internal company documents 24 for your research and your publications; is that a 25 fair statement?</p>	<p style="text-align: right;">Page 41</p> <p>1 ovarian cancers that any of the Plaintiffs in the 2 pool of potential trial cases have? 3 A. No, I am not aware. 4 Q. Are you aware of the specific risk 5 factors that any of the Plaintiffs in the pool of 6 potential trial cases have? 7 A. You mean apart from talc exposure 8 risk factors? 9 Q. Yes. 10 A. Yes, no, I am not aware. 11 Q. Dr. Siemiatycki, I want to ask you 12 some questions about your communications relating 13 to the Taher meta-analysis that was done and Health 14 Canada. Take a look and we'll mark as Exhibit 10 15 to this deposition a letter to Judge Pisano dated 16 April 5th, 2019. It is tab 11 in the binder. 17 EXHIBIT NO. 10: Letter to Judge Pisano 18 dated April 5, 2019, tab 11 of the 19 binder. 20 BY MR. ZELLERS: 21 Q. And you may want to take that out 22 because I am going to have some questions for you 23 about some of the communications contained in that 24 exhibit, and it might be easier for you to have it 25 out of the binder.</p>

<p>1           A. Okay. Okay, thank you.</p> <p>2           Q. So taking a look at what we have</p> <p>3       marked as Deposition Exhibit 10.</p> <p>4           A. 10 or 11? Sorry.</p> <p>5           Q. So it is Deposition Exhibit 10,</p> <p>6       but it is tab 11 in your binder.</p> <p>7           A. Okay.</p> <p>8           Q. I am going to refer to it as</p> <p>9       Deposition Exhibit 10.</p> <p>10          A. Right.</p> <p>11          Q. You have that in front of you; is</p> <p>12       that right?</p> <p>13          A. I do. Yes, that's right.</p> <p>14          Q. If you take a look at the second</p> <p>15       page, this is an email correspondence from you to</p> <p>16       Dr. Krewski, Daniel Krewski, December 13 of 2018;</p> <p>17       is that right?</p> <p>18          A. Yes.</p> <p>19          MS. PARFITT: Objection -- Mr. Zellers,</p> <p>20       excuse me, I'm objecting to the extent it deals</p> <p>21       with a December 13, 2018, communication. Dr.</p> <p>22       Siemiatycki was deposed in 2019. I'll get you the</p> <p>23       precise date of that deposition.</p> <p>24          MR. ZELLERS: Well, Ms. Parfitt, I</p> <p>25       don't --</p>	<p>Page 42</p> <p>1       think -- they keep changing names, of course.</p> <p>2       Environment and -- no, no, these are two separate</p> <p>3       departments of the government, Environment Canada</p> <p>4       and Health Canada. I'm sorry, go ahead.</p> <p>5           Q. You wrote to him saying:</p> <p>6              "I saw that Env[ironment]</p> <p>7              Canada and Health Canada are</p> <p>8              proposing to publish an advisory</p> <p>9              regarding talc, and that they cite</p> <p>10             [to a paper] [...] in support of the</p> <p>11             position [...]"</p> <p>12             And that was the Taher paper; is that</p> <p>13       right?</p> <p>14          A. Yes.</p> <p>15          Q. And at this time, the Taher</p> <p>16       article had not actually been published; is that</p> <p>17       your understanding?</p> <p>18          A. Yes, that is what I infer from my</p> <p>19       wording here, yes.</p> <p>20          Q. And I believe, as you talked at</p> <p>21       your original deposition, Dr. Krewski is a</p> <p>22       colleague and a peer of yours; is that right?</p> <p>23          A. That's correct.</p> <p>24          Q. So you ask Dr. Krewski for a draft</p> <p>25       of the Taher article. Do you recall whether or not</p>	<p>Page 44</p>
<p>1           MS. PARFITT: Let me --</p> <p>2           MR. ZELLERS: I understand. Well, you</p> <p>3       are not to do speaking objections. You can object</p> <p>4       to form. I understand your objection. I am simply</p> <p>5       using this as foundation for the questions that I</p> <p>6       am going to ask.</p> <p>7           MS. PARFITT: All right, we'll see</p> <p>8       where it goes. Thank you.</p> <p>9           BY MR. ZELLERS:</p> <p>10          Q. So, Dr. Siemiatycki, this is a</p> <p>11       document that you were asked about at your first</p> <p>12       deposition; is that right?</p> <p>13          A. I guess so.</p> <p>14          Q. Well --</p> <p>15          A. I don't specifically recall every</p> <p>16       document I was asked to comment about in previous</p> <p>17       depositions, so I --</p> <p>18          Q. Just for context for my later</p> <p>19       questions here, you wrote to Dr. Krewski in</p> <p>20       December of 2018 letting him know that you had seen</p> <p>21       the Env Canada -- is that Environmental Canada?</p> <p>22          A. Yes, Environment Canada is the</p> <p>23       name of the department in the government, yes.</p> <p>24          Q. And --</p> <p>25          A. It is actually called -- I</p>	<p>Page 43</p> <p>1       you were ever provided a draft of the Taher article</p> <p>2       by Dr. Krewski?</p> <p>3          A. I don't think I was, and I don't</p> <p>4       think he ever responded. I don't recall him ever</p> <p>5       responding to that request.</p> <p>6          Q. Do you recall at any time after</p> <p>7       this December 13, 2018, correspondence, email,</p> <p>8       talking to Dr. Krewski about the Taher</p> <p>9       meta-analysis and article?</p> <p>10          A. No, I don't recall.</p> <p>11          Q. Do you recall talking to any of</p> <p>12       the authors of that publication about the article</p> <p>13       and the meta-analysis that was performed?</p> <p>14          A. No, I don't recall speaking to any</p> <p>15       of them.</p> <p>16          Q. Let's look at this same exhibit,</p> <p>17       Exhibit 10, for the communications that occurred</p> <p>18       after your deposition was taken in January of 2019.</p> <p>19       The next communication, if you take a look, would</p> <p>20       be on page 3 of Exhibit 10, and this is a two-page</p> <p>21       communication that you wrote dated February 6,</p> <p>22       2019, "To whom it may concern at Health Canada"; do</p> <p>23       you see that?</p> <p>24          A. I do see that.</p> <p>25          Q. You testified in your first</p>	<p>Page 45</p>

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<p>1 deposition that you had intended to submit an      2 opinion to Health Canada. Is this the opinion that      3 you submitted to Health Canada, or did you submit      4 something different than this, if you recall?</p> <p>5 MS. PARFITT: Objection to form.</p> <p>6 THE WITNESS: I think it is the only      7 thing I submitted, and if I used the word "opinion"      8 a couple of weeks before sending this, I guess it      9 was the opinion. I don't know that the word      10 "opinion" was selected after great judicious      11 consideration, but yes, I think this is the opinion      12 that I was thinking about.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. Before sending this letter to      15 Health Canada February 6 of 2019, did you discuss      16 it with Plaintiffs' counsel in this matter?</p> <p>17 MS. PARFITT: Objection to form.</p> <p>18 THE WITNESS: I believe I -- I believe      19 I did. I believe I communicated with Ms. Parfitt      20 to ascertain whether my intervening in a public way      21 in this matter with the Government of Canada would      22 in any way be -- you know, it was really as a      23 courtesy. I didn't want her to find out from some      24 third party that I had done this, so I thought,      25 well, I'll notify her, see if there are any red</p>	<p>1 Canada. Do you see that?      2 A. I do.      3 Q. Do you know who Scott Hancock is?      4 A. Well, I do now. I didn't know him      5 before. I didn't know anything about him before.      6 Q. Have you ever met Mr. Hancock in      7 person?      8 A. Not knowingly. I mean, if he went      9 to meetings that I went to in the past, but no, I      10 have never met him.      11 Q. Is the only way that you know      12 Mr. Hancock at Health Canada through the      13 communications that you have had relating to talcum      14 powder with Health Canada?      15 A. Yes.      16 Q. Have you ever had a phone call      17 with Mr. Hancock?      18 A. Yes, I had a phone call around      19 this time.      20 Q. And what did you discuss with      21 Mr. Hancock in that phone call?      22 A. If you don't mind, I -- let me      23 read just these two messages and clarify. It is      24 not clear in my mind when I spoke to him and what      25 we spoke about, so this might -- reading this might</p>
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<p>1 flags that I should be aware of in doing -- posing      2 such a gesture. I didn't imagine there would be,      3 but just to be sure.</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. Did you give Ms. Parfitt or any of      6 her colleagues the opportunity to review your      7 February 6, 2019, letter to Health Canada before      8 you actually sent it?</p> <p>9 MS. PARFITT: Objection to form.</p> <p>10 THE WITNESS: I don't think so.</p> <p>11 [Court Reporter intervenes for      12 clarification.]</p> <p>13 THE WITNESS: Okay, I'll do a      14 two-second pause to give Ms. Parfitt an      15 opportunity.</p> <p>16 BY MR. ZELLERS:</p> <p>17 Q. Ms. Parfitt is doing just fine,      18 but yes, we want to make it --</p> <p>19 MS. PARFITT: Thank you, Michael.</p> <p>20 BY MR. ZELLERS:</p> <p>21 Q. -- easy on the court reporter.</p> <p>22 Let's take a look at the next      23 correspondence. So there is a -- so we are looking      24 at Exhibit 10. There is a February 18, 2019,      25 response that you got from Scott Hancock at Health</p>	<p>1 clarify it for me.      2 Q. All right. And for the record,      3 you are reading the February 18th, 2019, email from      4 Scott Hancock to yourself; is that right?      5 A. Well, I was going to read that one      6 plus the next two emails. The exchanges of that      7 day, I guess there were three exchanges that day.      8 I don't know if the phone call was before those      9 exchanges or after.      10 Q. Well, the first email - and please      11 feel free to read it or to read along - came from      12 Mr. Hancock at 11:37 a.m., and he was requesting an      13 "embargoed copy of the information" that you      14 referenced in your letter of February 6, 2019; is      15 that right?      16 A. Sorry, I'm looking for the correct      17 sequence of these messages, so the 21st -- the 21st      18 and -- okay, so the message of February 18 seems to      19 be the first one of that stream; correct?      20 Q. Yes, and in that -- and let me lay      21 a little foundation here. You have come to      22 understand that Mr. Hancock is a senior manager at      23 Health Canada; is that right?      24 A. Yes.      25 Q. Is it your understanding that he</p>

<p style="text-align: right;">Page 50</p> <p>1 was the person responsible for the Health Canada 2 Talc Screening Assessment?</p> <p>3 A. I believe he was. You know, 4 I -- he didn't -- I don't know. Whatever he said 5 in this message to identify himself, I guess, is 6 what I know. I don't know anything more.</p> <p>7 Q. Do you understand he is not a 8 medical doctor?</p> <p>9 A. I don't know that for a fact, but 10 it wouldn't surprise me that -- I guess he would 11 have signed his name "MD" if he was.</p> <p>12 Q. Is it your understanding that he 13 is also -- Mr. Hancock is not an epidemiologist?</p> <p>14 MS. PARFITT: Objection to form.</p> <p>15 THE WITNESS: That is what I would have 16 guessed from the fact that I didn't know him, 17 but --</p> <p>18 BY MR. ZELLERS:</p> <p>19 Q. So we understand that Mr. Hancock 20 acknowledged your communication, that he requested 21 the "embargoed copy of the information" that you 22 referenced; is that correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And then you responded to him on 25 February 21st of 2019; is that correct?</p>	<p style="text-align: right;">Page 52</p> <p>1 what was discussed?</p> <p>2 A. Not really. I think it was around 3 this time, and I think it might have been to 4 clarify something in my message to him, but I 5 honestly can't remember what the discussion was 6 about. I had to -- I mean, after I heard back from 7 him asking for the document, I wasn't sure if I was 8 allowed to send him the document from a litigation 9 procedure. And so I consulted Ms. Parfitt about 10 that, and initially she indicated that it would 11 need them to sign, I guess, what is called a 12 protective order or something like that, which I 13 communicated to Hancock.</p> <p>14 And then sometime after that, 15 Ms. Parfitt got back to me and said that --</p> <p>16 MS. PARFITT: Objection, Dr. 17 Siemiatycki, with regard to any communications 18 between you and myself.</p> <p>19 THE WITNESS: That is fine.</p> <p>20 MS. PARFITT: You can say I got back to 21 you.</p> <p>22 THE WITNESS: Yes, yes.</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. Well, Ms. Parfitt got back to you 25 and said that a protective order was not necessary</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes.</p> <p>2 Q. And in that communication, you 3 told Mr. Hancock that you had "not (yet) drafted a 4 manuscript for publication", that you had done a 5 report to the court in November of 2018, and that 6 you "do intend to submit a manuscript for 7 publication, but this is not imminent"; is that 8 correct?</p> <p>9 A. That is what I say, yes.</p> <p>10 Q. And then Mr. Hancock responded 11 later that day, February 21st of 2019: 12 "Thank you [...] for the [...] 13 response."</p> <p>14 And said he would get back to you, and 15 he would get back to you on your statement that you 16 would provide him with a copy of your report in 17 this MDL litigation but only if there was a 18 protective order that Mr. Hancock and Health Canada 19 executed. Is that a fair summary?</p> <p>20 A. Yes, that is a fair summary.</p> <p>21 MS. PARFITT: Objection to form.</p> <p>22 BY MR. ZELLERS:</p> <p>23 Q. Having gone through that, does 24 that refresh your recollection as to when you had a 25 phone call or had phone calls with Mr. Hancock and</p>	<p style="text-align: right;">Page 53</p> <p>1 and that you could go ahead and send your 2 litigation report to Health Canada; correct?</p> <p>3 MS. PARFITT: Objection to form.</p> <p>4 THE WITNESS: Well, I guess the correct 5 answer is that after communication from Ms. 6 Parfitt, I felt that I -- I understood that I was 7 able to send them the report and that is what I 8 did.</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. All right, if you take a look at 11 the same exhibit, Exhibit 10, you wrote to 12 Mr. Hancock on March 1st of 2019: 13 "Dear Mr. Hancock 14 I have had authorization from the 15 lawyer in the litigation to release 16 my report to you without having to 17 sign a 'protective order'. 18 Consequently, I am pleased to share 19 the attached report with you."</p> <p>20 A. Correct.</p> <p>21 Q. Did I read that correctly?</p> <p>22 A. Yes, you did.</p> <p>23 Q. So as of March 1st of 2019, you 24 provided your report, your litigation report in 25 this matter dated November of 2018, to Mr. Hancock</p>

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<p>1 and to Health Canada; is that right?</p> <p>2 A. Yes, I did.</p> <p>3 Q. Have you when you do your research</p> <p>4 and you have publications that you author, do you</p> <p>5 ever rely on or reference litigation reports?</p> <p>6 MS. PARFITT: Objection to form.</p> <p>7 THE WITNESS: I don't think I have ever</p> <p>8 done that, so the answer is no.</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. When you were --</p> <p>11 MS. PARFITT: Let him just complete his</p> <p>12 answer, Mr. Zellers. I am not sure he completed</p> <p>13 his response.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. Dr. --</p> <p>16 MS. PARFITT: Have you completed, Dr.</p> <p>17 Siemiatycki?</p> <p>18 THE WITNESS: For all intents and</p> <p>19 purposes, I have completed it. No, I have never</p> <p>20 done that.</p> <p>21 BY MR. ZELLERS:</p> <p>22 Q. When you worked with IARC in the</p> <p>23 working groups, 2006 and then 2012, did IARC ever</p> <p>24 rely, to your knowledge, on expert litigation</p> <p>25 reports?</p>	<p>1 BY MR. ZELLERS:</p> <p>2 Q. All right. Dr. Siemiatycki, take</p> <p>3 a look in Exhibit 10 at your February 21st, 2019,</p> <p>4 11:25 a.m. email to Mr. Hancock. I believe that is</p> <p>5 on page 5.</p> <p>6 A. Yes.</p> <p>7 Q. At the very -- in the, I guess,</p> <p>8 third paragraph of that communication, you told</p> <p>9 Mr. Hancock that in addition to your litigation</p> <p>10 report of November of 2018, that you do intend to</p> <p>11 submit a manuscript for publication; do you see</p> <p>12 that?</p> <p>13 A. I see that.</p> <p>14 Q. Have you submitted any manuscript</p> <p>15 for publication relating to your opinions on talcum</p> <p>16 powder and ovarian cancer?</p> <p>17 A. No, I haven't.</p> <p>18 Q. You state then that when you do</p> <p>19 submit a manuscript for publication, you are not</p> <p>20 sure if it will contain everything that is in your</p> <p>21 report regarding the possibility of bias. Why</p> <p>22 would you exclude that if you were going to prepare</p> <p>23 a manuscript?</p> <p>24 A. Well --</p> <p>25 MS. PARFITT: Objection to form.</p>
Page 55	Page 57
<p>1 MS. PARFITT: Objection to form.</p> <p>2 THE WITNESS: It is certainly not how</p> <p>3 things are normally done. I couldn't say that it</p> <p>4 has never been done in IARC that they have used</p> <p>5 reports from litigation, but I don't think I have</p> <p>6 ever been party to it, and it would be an</p> <p>7 unusual -- there are rules at IARC, in the IARC</p> <p>8 monograph program, about what kind of material can</p> <p>9 be cited and how it should be cited. They allow</p> <p>10 for non-published material to be cited under</p> <p>11 certain circumstances. But I don't recall the</p> <p>12 specific instructions and rules about what can be</p> <p>13 cited and how.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. Do you recall any specific rule at</p> <p>16 IARC that would permit a paid litigation report to</p> <p>17 be cited as authority?</p> <p>18 MS. PARFITT: Objection to form.</p> <p>19 THE WITNESS: I don't recall any rules</p> <p>20 about that. I wouldn't be surprised if in this</p> <p>21 sort of evolving issue of how to deal with conflict</p> <p>22 of interest situations that there may now be rules</p> <p>23 or at least instructions about how this sort of</p> <p>24 thing could or should be handled, but I am not</p> <p>25 aware of it.</p>	<p>1 THE WITNESS: Well, probably the best</p> <p>2 way to answer that is to point you to my report and</p> <p>3 indicate that in my report there is a chapter --</p> <p>4 let me see exactly what it is called and where it</p> <p>5 is. I'm sorry, I'm just looking it up now.</p> <p>6 So section 9.2 of my report going from</p> <p>7 page 54 to 63 contains -- so how many pages is</p> <p>8 that? That is about eight or nine pages</p> <p>9 typescript. It contains information on -- you</p> <p>10 know, pertinent to the issue of biases and errors,</p> <p>11 and that is what I -- the kind of thing that I was</p> <p>12 referring to in my letter to Mr. Hancock that you</p> <p>13 just cited.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. Is that important information?</p> <p>16 MS. PARFITT: Objection to form.</p> <p>17 THE WITNESS: Yes, it is important</p> <p>18 information.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. Why is it something that at least</p> <p>21 you told Mr. Hancock you may omit in a publication?</p> <p>22 A. Well, I don't know that I --</p> <p>23 MS. PARFITT: Objection to form.</p> <p>24 Misstates his testimony.</p> <p>25 THE WITNESS: I don't know that I would</p>

<p style="text-align: right;">Page 58</p> <p>1 use the word "omit". I didn't say -- I don't -- I      2 hope I didn't say to him that I would omit, but in      3 any case, a typical manuscript that a journal      4 would -- that is considered receivable by most      5 journals is between 3,000 and 5,000 words long.      6 That boils down to roughly between 8 and 12      7 typescript or 12 and 15 typescript pages.</p> <p>8 This section of my report, which is      9 8 -- approximately 8 pages long in the report would      10 completely overwhelm my ability to submit a      11 manuscript to a high impact, high recognizability      12 journal.</p> <p>13 And so what I would do if I were      14 submitting the manuscript would be to present all      15 of the material that I have compiled and the      16 information that I have compiled and boil it down      17 from the 60 or 70 or 80 pages here in the report to      18 about 12, maybe 15 maximum, pages. That means you      19 have got to compress a lot to describe all of the      20 background to the issue, to describe -- because      21 most readers are not experts in talc and ovarian      22 cancer, so there has got to be a section that      23 introduces the topic to the reader. There has got      24 to be a section that describes the methods, which      25 is the meta-analysis that I have done. That is</p>	<p style="text-align: right;">Page 60</p> <p>1 Mr. Hancock.</p> <p>2 EXHIBIT NO. 11: April 17, 2019, letter      3 to Judge Pisano from Ms. Parfitt      4 attaching several additional      5 communications between Dr. Siemiatycki      6 and Mr. Hancock, tab 12, Deposition      7 Exhibit Binder Volume 1.</p> <p>8 BY MR. ZELLERS:</p> <p>9 Q. Do you have that in front of you?</p> <p>10 A. Yes, I do.</p> <p>11 MS. PARFITT: And Mr. Zellers, we don't      12 have to stop at this point. We have gone about an      13 hour and 22 minutes, so when it becomes a good      14 place for both you and Dr. Siemiatycki, perhaps we      15 take a stretch break here.</p> <p>16 MR. ZELLERS: Well, sounds great. Give      17 us about 10 minutes, if that is okay, Ms. Parfitt.</p> <p>18 MS. PARFITT: It is fine with me. Dr.      19 Siemiatycki?</p> <p>20 THE WITNESS: That is fine.</p> <p>21 MS. PARFITT: Very good.</p> <p>22 BY MR. ZELLERS:</p> <p>23 Q. Thank you. So we ended the last      24 exhibit with you receiving authorization to provide      25 your litigation report to Mr. Hancock, and you</p>
<p style="text-align: right;">Page 59</p> <p>1 quite complicated. A section on the results,      2 presenting multiple tables and figures and graphs.      3 And then a discussion which includes a discussion      4 of all possible biases and errors. And all that in      5 12 to 15 pages.</p> <p>6 So by necessity, there would be -- have      7 to be a compression, and that compression is what I      8 intended to convey to Mr. Hancock would not be --      9 or at least all of the detail and exposition and      10 explanation that is in the report cannot be      11 conveyed in a 10-, 12-page manuscript. So I would      12 boil it down. It is all important.</p> <p>13 If that is your point, yes,      14 consideration of biases and errors is absolutely      15 important, and I would never submit a manuscript      16 without a good discussion of that, but it would      17 have to be a very concise discussion rather than      18 the kind that I carried out for this report.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. Dr. Siemiatycki, go to tab 12 in      21 Deposition Exhibit binder Volume 1. We will mark      22 this as Exhibit 11 to the deposition, and for      23 identification, this is an April 17, 2019, letter      24 to Judge Pisano from Ms. Parfitt, and it attaches      25 several additional communications that you had with</p>	<p style="text-align: right;">Page 61</p> <p>1 communicated that to him. That was on March 1st of      2 2019. If we now look at Exhibit 11, we see that      3 Mr. Hancock responded to you. Let me find -- so I      4 may be one exhibit behind here.</p> <p>5 I'm looking for the March 2nd, 2019,      6 communication from Mr. Hancock back to you. Do you      7 see that in Deposition Exhibit 11? Oh, I'm sorry,      8 yes, so it is on the last page of Exhibit 11. So      9 the last page is your March 1st, 2019,      10 communication, and then at the bottom of the -- I      11 guess it would be third page of the exhibit, on      12 March 2nd of 2019, Mr. Hancock responds:      13 "[...] that is great news!      14 Thank you very Much." And he "will      15 read [it] with great interest and I      16 am sure this will be very helpful as      17 we revise our screening assessment      18 for final publication."      19 Did you receive that email from      20 Mr. Hancock?      21 A. Yes, it seems that I did.      22 Q. All right. You understood that      23 Health Canada was going to rely on your expert      24 litigation report to revise and finalize their Talc      25 Screening Assessment; correct?</p>

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1        MS. PARFITT: Objection to form.	1        "In writing our final risk
2        THE WITNESS: I did not interpret his	2        assessment we may wish to refer to
3        message as any sort of commitment that they would	3        some of your points, and would cite
4        rely on my report, only is that --	4        them as personal communication.....
5        BY MR. ZELLERS:	5        [...]"
6        Q. He told you it would be of great	6        Do you see that?
7        interest.	7        MS. PARFITT: If you could complete the
8        A. Yes.	8        remaining sentence, Mr. Zellers, for context,
9        Q. That it:	9        please.
10      "[...] will be very helpful as	10      BY MR. ZELLERS:
11      [Health Canada revises] our	11      Q. ".....and I would send you the
12      screening assessment for final	12      text for your approval before it
13      publication."	13      goes anywhere to make sure you are
14      MS. PARFITT: Is that a question?	14      comfortable with how we are
15      BY MR. ZELLERS:	15      capturing the essence of your
16      Q. Yes. Is that what he wrote to	16      thoughts without giving away any
17      you, Dr. Siemiatycki?	17      confidential info[rmation].....
18      A. That is what he wrote to me.	18      another way around it would be for a
19      Q. All right. Did you inform	19      phone call later on, when we are
20      Mr. Hancock that there were contrary views that	20      writing the doc, [a]nd I could ask
21      were expressed by Defence experts?	21      you questions over the phone and
22      MS. PARFITT: Objection to form.	22      those answers would be the reference
23      THE WITNESS: I didn't inform him of	23      cited to have another layer between
24      any other opinions except my own.	24      the document you shared and what my
25      BY MR. ZELLERS:	25      team will be writing. Let me know
Page 63	Page 65
1        Q. Did you provide Mr. Hancock with	1        if these paths forward would work
2        any reports, litigation reports from the	2        for you, and thanks again for your
3        Defendants' experts?	3        help."
4        MS. PARFITT: Objection to form.	4        Did I read that correctly?
5        THE WITNESS: No, I did not.	5        A. Are those dots in my original
6        BY MR. ZELLERS:	6        email exchanges, or these are things that you have
7        Q. Did you at any time provide	7        inserted?
8        Mr. Hancock with any other materials or expert	8        Q. No, I am reading the dots. I may
9        reports, either Plaintiff expert reports or Defence	9        have said three or four dots. I think, looking at
10      expert reports?	10      this, there is actually five dots, but I read that
11      A. No, I didn't. He didn't ask for	11      message correctly; is that right, Dr. Siemiatycki?
12      any, and the request from Health Canada to which I	12      A. Yes, you read what I have in front
13      responded, the generic request that they sent out	13      of me. I'm just asking you whether this is
14      that I responded to, did not ask for anyone to	14      literally a copy of my correspondence with him or
15      compile a list of opinions, only to give their own	15      if the dots represent some editing that you have
16      opinions.	16      done to shorten the sentence or to eliminate some
17      Q. All right. You communicated with	17      unessential wording? Do I need to go back to the
18      Mr. Hancock on March 8th of 2019, and I am, again,	18      original for any reason to check whether I agree
19      referring to Deposition Exhibit 11, and you asked	19      with your statement?
20      him to keep your litigation report confidential; is	20      Q. Well, so what I would ask you to
21      that right?	21      do is, if there is anything omitted, then I would
22      A. Oh, yes, yes, I see that. Yes.	22      like you to advise Ms. Parfitt, you know, at some
23      Q. And then Mr. Hancock responded	23      point after the deposition so that we can correct
24      that same day and said "By all means", you know,	24      the record, but I have a couple of questions for
25      and he said that:	25      you.

<p style="text-align: right;">Page 66</p> <p>1 Number one, do you know why Mr. Hancock      2 was suggesting that it might be better to have a      3 phone call with you rather than to simply rely or      4 use your report, if you know or have an      5 understanding.</p> <p>6 MS. PARFITT: Objection to form.</p> <p>7 THE WITNESS: I am not exactly sure,      8 but I guess it might have been triggered by my      9 concern about whether a document that is in the      10 litigation realm can be shared in the public      11 domain, as it were. And he knew that I was      12 uncomfortable -- well, uncomfortable. I was      13 uncertain of how this should be done, and I      14 expressed that to him, I guess. And I think he is      15 responding to his profession of my discomfort and      16 suggesting other ways around that, except apart      17 from actually citing the document openly.</p> <p>18 BY MR. ZELLERS:</p> <p>19 Q. Okay, Dr. Siemiatycki, did you      20 have some later phone call or calls with      21 Mr. Hancock, if you remember?</p> <p>22 A. So I recall having a phone call      23 with him, but I can't remember when and I can't      24 remember what it was about. And I don't think it      25 was the phone call that is hypothetically alluded</p>	<p style="text-align: right;">Page 68</p> <p>1 THE WITNESS: I'm sorry. At some point      2 Ms. Parfitt's office contacted me and asked me to      3 turn over any communications I had with Health      4 Canada about this, and at that time I searched      5 through my files, my emails and so on, and I sent      6 them everything that I had.</p> <p>7 So if -- I think what is in -- if you      8 received everything that I sent Ms. Parfitt's      9 office, then you received everything that I had.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. Did you ever see the final Health      12 Canada assessment before it was published in April      13 of 2021?</p> <p>14 MS. PARFITT: Objection to form.</p> <p>15 THE WITNESS: No, I didn't.</p> <p>16 BY MR. ZELLERS:</p> <p>17 Q. Did you make any edits or comments      18 to any draft of the final Health Canada Screening      19 Assessment?</p> <p>20 MS. PARFITT: Objection to form.</p> <p>21 THE WITNESS: No, I didn't.</p> <p>22 BY MR. ZELLERS:</p> <p>23 Q. Are you aware that in the Health      24 Canada Screening Assessment -- and let's mark that      25 as an exhibit, and I have got a couple of questions</p>
<p style="text-align: right;">Page 67</p> <p>1 to in this paragraph as a phone call to discuss      2 substantive issues in my report. I don't recall      3 ever having a phone call about him over substantive      4 issues in my report.</p> <p>5 Q. Do you have any notes from any      6 phone call with Mr. Hancock or anyone else from      7 Health Canada?</p> <p>8 A. I don't think so. I --</p> <p>9 Q. I may have asked you this at the      10 outset, and if I'm repeating, I apologize, but do      11 you recall speaking with anyone else at Health      12 Canada other than Mr. Hancock?</p> <p>13 A. I don't think I did speak to      14 anybody else or correspond with anybody else.</p> <p>15 Q. Did you have any communications,      16 either in writing or at conferences or a phone      17 call, with Mr. Hancock or anyone else at Health      18 Canada after March 8 of 2019 relating to the Talc      19 Screening Assessment that Health Canada was      20 preparing?</p> <p>21 A. I don't think so.</p> <p>22 Q. Do you have a file or somewhere      23 you could check to make sure?</p> <p>24 A. I mean at some --</p> <p>25 MS. PARFITT: Objection to form.</p>	<p style="text-align: right;">Page 69</p> <p>1 and then we'll take a break.</p> <p>2 Take a look at tab 23, Deposition      3 Exhibit binder Volume 1, which is the April 21st      4 Health Canada Screening Assessment that we will      5 mark as Deposition Exhibit 12.</p> <p>6 EXHIBIT NO. 12: April 21st Health      7 Canada Screening Assessment, tab 23,      8 Deposition Exhibit Binder Volume 1.</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. And, Dr. Siemiatycki, if you would      11 just look at page 17, paragraph 5 of Deposition      12 Exhibit 12, I have one question for you. Do you      13 have that in front of you?</p> <p>14 A. Page 17 of the April 2021 report?</p> <p>15 Q. Yes, and do you see where there is      16 a reference to -- well, I have this wrong. So take      17 a look at the authorities that Health Canada      18 references, and do you see the reference to your      19 report?</p> <p>20 A. On this page? On page 17?</p> <p>21 Q. No, I had the wrong page for you.      22 So I am looking at --</p> <p>23 MS. PARFITT: Mr. Zellers, I believe it      24 is 59.</p> <p>25 BY MR. ZELLERS:</p>

<p>1 Q. Thank you so much, Ms. Parfitt.      2 So I am looking at page 59, the reference to your      3 litigation report along with other litigation      4 reports; do you see that?      5 A. I have page 59 -- oh, yes, I see      6 my name there, yes.</p> <p>7 Q. All right. So this states that      8 Health Canada accessed your litigation report in      9 July of 2020, but that is not accurate, is it?</p> <p>10 MS. PARFITT: Objection to form.</p> <p>11 THE WITNESS: I don't -- I have no idea      12 if they accessed it then.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. Well, we know that you provided      15 your litigation report to Mr. Hancock and to Health      16 Canada back in March of 2019, about 15 months      17 earlier; is that right?</p> <p>18 A. Yes.</p> <p>19 MS. PARFITT: Objection to form.</p> <p>20 BY MR. ZELLERS:</p> <p>21 Q. All right. I have no more      22 questions at this time on this, you know, topic, so      23 why don't we take a break.</p> <p>24 And Ms. Parfitt and Dr. Siemiatycki,      25 how long would you like to take a break, and</p>	<p>Page 70</p> <p>1 Q. Was that study by Dr. Koushik ever      2 published?</p> <p>3 A. Well, it is a study on ovarian      4 cancer risk factors that was initiated over ten      5 years ago, 2008, 2009, somewhere in that ballpark,      6 and it wasn't a study specifically of talc and      7 ovarian cancer. There were several factors that      8 she was looking at at the time, and she has      9 published some papers that came out of that but not      10 on talc, per se.</p> <p>11 Q. All right. So Dr. Koushik was      12 working on a publication dealing with risk factors      13 for ovarian cancer; correct?</p> <p>14 A. She was working on a project that      15 gave rise to multiple publications so far. I think      16 there have been two or three so far. I'm not quite      17 sure. I am not involved with all of them. But      18 there is -- anyways, I can look up which ones I      19 have been involved with on my CV, but as far as I      20 know, she hasn't published anything on the talc      21 exposure connection to ovarian cancer.</p> <p>22 Q. You described your role as working      23 with Dr. Koushik as both a mentor and a      24 co-investigator; is that correct?</p> <p>25 A. Yes, I think that is correct, yes.</p>
<p>Page 71</p> <p>1 Ms. Court Reporter, how long do you need?</p> <p>2 A. 15 minutes? Would that work?</p> <p>3 Q. That is fine.</p> <p>4 Ms. Court Reporter, is that okay?</p> <p>5 THE COURT REPORTER: [Nodding.]</p> <p>6 MR. ZELLERS: And, Ms. Court Reporter,      7 what time are we going off the record? Can you      8 announce that?</p> <p>9 THE COURT REPORTER: We are going off      10 the record at 11:37 a.m.</p> <p>11 -- RECESSED AT 11:37 A.M.</p> <p>12 -- RESUMED AT 11:56 A.M.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. Dr. Siemiatycki, since your last      15 report -- or your initial report in November of      16 2018, you have not published any material on talc      17 and ovarian cancer; is that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. In your 2019 deposition, January      20 of 2019, you had some testimony that you were      21 working on or may publish a case control study with      22 Anita Koushik, K-o-u-s-h-i-k. Do you recall that?</p> <p>23 A. I don't remember the discussion      24 about it, but I certainly remember the substance of      25 that, what you refer to, yes.</p>	<p>Page 73</p> <p>1 Q. Your understanding is that since      2 January of 2019, Dr. Koushik has published some      3 articles relating to the risk factors of ovarian      4 cancer but not relating to talcum powder; is that      5 correct?</p> <p>6 A. So I am not sure if she has      7 published any since 2019. I can't remember the      8 timing, the dates of her publications from that      9 study. There may have been some before 2019, and      10 there may have been some since. I am not sure.</p> <p>11 Q. Since January of 2019, other than      12 your communications with Health Canada, have you      13 presented your opinions on the association between      14 talc and ovarian cancer in any context outside of      15 litigation?</p> <p>16 MS. PARFITT: Objection to form.</p> <p>17 THE WITNESS: I don't think so. I      18 don't think I have.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. All right. Have you informed any      21 of the scientists and doctors at the University of      22 Montreal of your opinion that talc causes ovarian      23 cancer?</p> <p>24 A. That's not typically a thing to      25 inform -- in a university to inform the 4,000 other</p>

<p style="text-align: right;">Page 74</p> <p>1 people at the university of everyone's research      2 findings or opinions about things. So I am not      3 really sure what -- how to address your question.      4 But the answer is no. The short answer is no, I      5 haven't there, and I haven't in regard to, I guess,      6 any of the 300 other publications that I have      7 published. I don't go around, you know, the campus      8 advertising my opinions about things or what I have      9 found.</p> <p>10 Q. And the same answer, if I ask      11 whether or not you have informed any of the      12 scientists or doctors at McGill University of your      13 opinion with respect to talc and ovarian cancer;      14 you have not done so, correct?</p> <p>15 A. I have not done so, and thank God      16 they haven't come to me with all of their opinions.</p> <p>17 Q. You have published a number of      18 peer-reviewed articles since you were retained in      19 the talc litigation; correct?</p> <p>20 A. Yes.</p> <p>21 MS. PARFITT: Objection to form.</p> <p>22 BY MR. ZELLERS:</p> <p>23 Q. Do you have an estimate of the      24 number of peer-reviewed articles that you have      25 published?</p>	<p style="text-align: right;">Page 76</p> <p>1 right?      2 A. Yes.      3 Q. Do you understand that the mission      4 of the Center for Disease Control is to prevent      5 disease, including cancer?      6 A. If that is what it says on their      7 mission statement, then I agree with it, that      8 that's their mission.      9 Q. But you understand generally      10 that --      11 A. I understand generally what the      12 CDC is about, yes.      13 Q. And that they are charged with      14 protecting the health and welfare of the American      15 public, right?      16 MS. PARFITT: Objection to form.      17 THE WITNESS: Right.      18 BY MR. ZELLERS:      19 Q. They are also charged with      20 informing the public of dangerous things to avoid      21 and public health issues of which Americans should      22 be aware; is that your understanding?      23 MS. PARFITT: Objection to form.      24 THE WITNESS: Well, they, in addition      25 to many other agencies and parties, yes.</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Since when?      2 Q. Well, since 2015.      3 A. It is in my CV, but, you know, I      4 would guesstimate between 40 and 50.      5 Q. I did count --      6 A. Okay.      7 Q. -- the number of articles,      8 peer-reviewed articles, that you have published      9 since your deposition in January of 2019, and it      10 was approximately 20 articles. Does that sound      11 about right?      12 A. Yes.      13 Q. And you have given at least 10      14 presentations since your deposition in January of      15 2019; correct?      16 A. Correct. I guess so. Yes, I am      17 sure that is correct.      18 Q. None of those publications and      19 presentations had anything to do with talc and      20 ovarian cancer; is that right?      21 A. That's correct.      22 MS. PARFITT: Objection to form.      23 BY MR. ZELLERS:      24 Q. You are familiar with the Center      25 for Disease Control as a U.S. agency; is that</p>	<p style="text-align: right;">Page 77</p> <p>1 BY MR. ZELLERS:      2 Q. Are you aware that the CDC has a      3 discussion of ovarian cancer risk factors on its      4 website for doctors and patients?      5 A. I am not at all surprised by that,      6 yes, I --      7 Q. Have you had any conversations      8 with the CDC since your last deposition in January      9 of 2019?      10 A. About what? About what --      11 Q. About talc and ovarian cancer?      12 A. I haven't had any discussions      13 about that or about any of the other things that I      14 work on and never have, no.      15 Q. All right. Well, have you      16 informed the scientists and doctors at the CDC that      17 you are of the view that talcum powder causes      18 ovarian cancer?      19 A. No, I haven't.      20 Q. All right, how about --      21 A. That is not how scientists work.      22 Q. How about the FDA? Have you      23 informed the FDA that you are of the opinion that      24 talcum powder causes ovarian cancer?      25 A. No, I haven't.</p>

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<p>1 Q. Take a look, Doctor, if you have      2 it in front of you, Exhibit 5, which are your      3 "Additional Materials Considered" list, and that is      4 tab 8 and Deposition Exhibit binder Volume 1, if      5 you need to look there. But essentially, it is      6 Exhibit C to your amended report. Do you have that      7 in front of you?</p> <p>8 A. Yes, I do, sir.</p> <p>9 Q. Let's mark -- well, before I get      10 there, as foundation, document 357 is a document      11 from NCI (PDQ). Do you see that?</p> <p>12 A. No, I am not sure where -- I am      13 not sure where you are looking.</p> <p>14 Q. All right. So on your "Additional      15 Materials Considered" list, do you see document      16 number 357?</p> <p>17 A. Okay, yes, I do. I see what you      18 are referring to now.</p> <p>19 Q. All right. And that is "NCI -      20 Ovarian, Fallopian Tube, and Primary Perineal      21 Cancer Prevention (PDQ)"; is that correct?</p> <p>22 A. I see that, yes.</p> <p>23 Q. All right. Let's mark as      24 Deposition Exhibit 13 the NCI (PDQ) referenced as      25 number 357 on your "Additional Materials</p>	<p>1 A. No, I am not a clinical doctor or      2 a patient to whom that website is geared and aimed.</p> <p>3 Q. All right. If you look at the      4 very last page of Exhibit 13, you can see that it      5 was updated last on July 8 of 2021?</p> <p>6 A. Yes, I see that.</p> <p>7 Q. And this publication your      8 understanding is directed both to the public and      9 also to the doctors who would be treating ovarian      10 cancer patients?</p> <p>11 A. I guess so. I guess so.</p> <p>12 Q. Go to page 18 under "Description      13 of the Evidence".</p> <p>14 A. Sorry, I am looking for page      15 numbers and I --</p> <p>16 Q. All right, go to the third-to-last      17 page. It says "Changes to This Summary July 8,      18 2021", and then it has got a sub-heading      19 "Description of the Evidence"?</p> <p>20 A. I see that --</p> <p>21 Q. It is right at the end of the      22 references.</p> <p>23 A. At the end of the references? Oh,      24 yes, okay. Now I see it. So "Changes to This      25 Summary".</p>
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<p>1 Considered", and, Doctor, you will find that as tab      2 43 in, I believe, Deposition Exhibit Binder Volume      3 3.</p> <p>4 EXHIBIT NO. 13: NCI - Ovarian,      5 Fallopian Tube, and Primary Perineal      6 Cancer Prevention (PDQ), tab 43,      7 Deposition Exhibit Binder Volume 3.</p> <p>8 THE WITNESS: Did you say 43, tab 43?</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. Yes, tab 43.</p> <p>11 A. All right. Yes, I have it.</p> <p>12 Q. Are you familiar with this      13 document?</p> <p>14 A. Only because I think that it was      15 sent to me a week or two ago.</p> <p>16 Q. And was it sent to you by the      17 Plaintiff lawyers in this litigation?</p> <p>18 A. Yes.</p> <p>19 Q. Do you regularly check the      20 NCI -- and NCI stands for National Cancer      21 Institute; correct?</p> <p>22 A. That's correct.</p> <p>23 Q. Do you have occasion to check the      24 NCI website for information regarding ovarian      25 cancer?</p>	<p>1 Q. And looking at the last paragraph:      2 "This summary and written and      3 maintained by the PDQ Screening and      4 Prevention Editorial Board, which is      5 editorially independent of NCI. The      6 summary reflects an independent      7 review of the literature and does      8 not represent a policy statement of      9 NCI or NIH."</p> <p>10 Do you see that?</p> <p>11 A. I do see that, yes.</p> <p>12 Q. All right. Do you know the      13 composition of the PDQ screening and prevention      14 editorial board?</p> <p>15 A. No, I don't.</p> <p>16 Q. Do you know if this board      17 represents doctors and scientists in the fields of      18 oncology, cancer prevention, cancer screening,      19 hematology, radiology, urology, statistics and      20 epidemiology?</p> <p>21 A. I believe you have read something      22 from their website, and I believe that you have      23 read it faithfully.</p> <p>24 Q. All right.</p> <p>25 A. So now I know that, yes.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. So let's take a look at page 13,      2 and again, Doctor, it is about in the middle of the      3 document, and it is a section under the heading      4 "Factors with Inadequate Evidence of an Association      5 Risk of Ovarian, Fallopian Tube, and Primary      6 Peritoneal Cancer."</p> <p>7 A. I see --</p> <p>8 Q. All right. If we go down three      9 sections, there is a section from this document,      10 this PDQ, entitled "Perineal talc exposure"; do you      11 see that?</p> <p>12 A. I do.</p> <p>13 Q. And the first sentence states:      14 "The weight of evidence does      15 not support an association between      16 perineal talc exposure and an      17 increased risk of ovarian cancer."      18 Do you see that?</p> <p>19 A. Yes, I do.</p> <p>20 Q. Do you disagree with that      21 statement in the National Cancer Institute      22 publication?</p> <p>23 MS. PARFITT: Objection to form.</p> <p>24 THE WITNESS: Yes, I do.</p> <p>25 BY MR. ZELLERS:</p>	<p style="text-align: right;">Page 84</p> <p>1 continued to review for your amended report; is      2 that right?</p> <p>3 A. Yes.</p> <p>4 Q. Do you agree that ovarian cancers      5 can be diagnostically classified in different ways      6 according to cell type and invasiveness of the      7 tumour?</p> <p>8 A. Yes, I do.</p> <p>9 MS. PARFITT: Objection to form.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. And that is just another way of      12 saying that there are different sub-types of      13 ovarian cancer; correct?</p> <p>14 A. Correct.</p> <p>15 Q. You have had an opportunity to      16 read the Health Canada publication, the April 2021      17 Screening Assessment for Talc; is that right?</p> <p>18 A. Yes, I read it when it first      19 became public.</p> <p>20 Q. We marked that previously as      21 Deposition Exhibit 12. Do you have that Screening      22 Assessment from Health Canada in front of you,      23 Doctor?</p> <p>24 A. Sorry, which tab would it be in      25 for --</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. If we go back to page 19, and I am      2 not sure you need to find it, but you are certainly      3 welcome to, the document provides:      4 "Any comments or questions      5 about the summary content should be      6 submitted to Cancer.gov through the      7 NCI website [...]"      8 My question to you is have you ever      9 communicated with either National Cancer Institute      10 or the NIH that you disagree with their statement      11 regarding the inadequacy of the evidence supporting      12 an association between talcum powder use and      13 ovarian cancer?</p> <p>14 A. No, I have never communicated with      15 them about that.</p> <p>16 Q. And have you corresponded, since      17 your last deposition, with any regulatory authority      18 in the United States about your opinion relating to      19 talcum powder and ovarian cancer?</p> <p>20 A. No, I haven't had opportunity or      21 reason to do that.</p> <p>22 Q. All right. Doctor, I want to ask      23 you about some of the epidemiology studies. That      24 is something that you have reviewed both in      25 preparation of your original report and then</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Well, if you go back to the tabs,      2 it is tab 23 from Deposition Exhibit Binder Volume      3 1, and we have marked that as Exhibit 12 to this      4 deposition.</p> <p>5 A. Okay, I have got the document in      6 front of me.</p> <p>7 Q. Are you aware, Dr. Siemiatycki,      8 that Health Canada concluded that there is      9 considerable uncertainty for how sub-type data      10 should be examined?</p> <p>11 MS. PARFITT: Objection. Is there a      12 particular page you are referring to?</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. Well, there will be. Page 17.      15 But my question now was a general question. So do      16 you need me to repeat it, Doctor?</p> <p>17 A. Yes, could you repeat it, please.</p> <p>18 Q. Sure. Are you aware that Health      19 Canada concluded that there was considerable      20 uncertainty for how sub-type data should be      21 examined?</p> <p>22 MS. PARFITT: Objection to form,      23 misstates facts.</p> <p>24 THE WITNESS: I don't remember that      25 quotation in the report. I --</p>

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<p>1 BY MR. ZELLERS:</p> <p>2 Q. All right, take a look --</p> <p>3 A. I completely believe that -- I</p> <p>4 mean, it is credible, but if you are asking me</p> <p>5 whether I remember that quotation in the report,</p> <p>6 the answer is no.</p> <p>7 [Court Reporter intervenes for</p> <p>8 clarification.]</p> <p>9 THE WITNESS: Thank you.</p> <p>10 MS. PARFITT: Michael, let me just</p> <p>11 finish. I said -- well, the objection was I</p> <p>12 objected to form and said misstates the document.</p> <p>13 Go ahead, Michael.</p> <p>14 MR. ZELLERS: And I believe objections</p> <p>15 are limited to just form, but we are doing okay, so</p> <p>16 let's continue here.</p> <p>17 MS. PARFITT: We are. Very good, thank</p> <p>18 you.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. Dr. Siemiatycki, go to page 17 of</p> <p>21 the Health Canada Screening Assessment, which we</p> <p>22 have marked as Deposition Exhibit 12; do you have</p> <p>23 that?</p> <p>24 A. I have it in front of me, thank</p> <p>25 you.</p>	<p>1 agree that the cause of most ovarian cancer is not</p> <p>2 well established?</p> <p>3 MS. PARFITT: Objection to form.</p> <p>4 THE WITNESS: I would agree if what you</p> <p>5 mean is the cause of most cases of ovarian cancer.</p> <p>6 So if you are saying that for most women who get</p> <p>7 ovarian cancer -- among all the women who get</p> <p>8 ovarian cancer, for most of them, we don't know why</p> <p>9 they got it, if that is what you mean, then I</p> <p>10 agree.</p> <p>11 BY MR. ZELLERS:</p> <p>12 Q. You are not a cancer biologist;</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 Q. You are not an expert on the</p> <p>16 biological mechanisms by which ovarian cancer may</p> <p>17 develop; correct?</p> <p>18 A. Correct.</p> <p>19 Q. Health Canada goes on to state --</p> <p>20 and I am reading now, Doctor, just the next</p> <p>21 sentence on page 17, Exhibit 12:</p> <p>22 "There are a number of</p> <p>23 different tumor types with</p> <p>24 characteristic histologic features,</p> <p>25 distinctive molecular signatures,</p>
Page 87	Page 89
<p>1 Q. And if you look at the</p> <p>2 second-to-last paragraph, it states:</p> <p>3 "The etiology of most ovarian</p> <p>4 tumors has not been well</p> <p>5 established, and ovarian cancer is a</p> <p>6 relatively rare disease [...]"</p> <p>7 Do you see that?</p> <p>8 A. I do see that.</p> <p>9 Q. Do you agree with that statement?</p> <p>10 A. I am not sure exactly what it</p> <p>11 means. If I were editing, I would ask them to be</p> <p>12 clearer, but I don't disagree with it.</p> <p>13 Q. Etiology means cause; correct?</p> <p>14 A. I understand. I understand. I am</p> <p>15 not sure if they mean the etiology of specific</p> <p>16 patients' tumors are uncertain and have not been</p> <p>17 well established, or if in a generic way that --</p> <p>18 if what -- when they say "most ovarian tumors", do</p> <p>19 they mean most sub-types of ovarian cancer or</p> <p>20 something else? So they don't use the term</p> <p>21 "sub-types" in this sentence, so I am not sure what</p> <p>22 they mean by "most ovarian tumors".</p> <p>23 Q. Let me ask you this question, Dr.</p> <p>24 Siemiatycki. Do you agree -- and if I'm going</p> <p>25 outside your expertise, please tell us, but do you</p>	<p>1 and disease trajectories. Moreover,</p> <p>2 these tumors are heterogeneous and</p> <p>3 can arise from different tissues of</p> <p>4 the female reproductive tract,</p> <p>5 including the fallopian tube</p> <p>6 epithelium."</p> <p>7 Did I read that statement by Health</p> <p>8 Canada correctly?</p> <p>9 A. Yes, you did.</p> <p>10 Q. Do you agree with that statement</p> <p>11 by Health Canada?</p> <p>12 A. I have no reason to disbelieve it.</p> <p>13 Q. The next sentence, Doctor, or</p> <p>14 couple of sentences in the Health Canada Screening</p> <p>15 Assessment:</p> <p>16 "Ovarian tumors can be grouped</p> <p>17 into categories [e.g., epithelial</p> <p>18 ovarian cancer, germ cell tumours,</p> <p>19 gonadal stromal tumours, metastatic</p> <p>20 neoplasms]. Epithelial ovarian</p> <p>21 cancers are often designated as Type</p> <p>22 I or Type II, with further</p> <p>23 subdivision within each type. Type</p> <p>24 I tumours have characteristics quite</p> <p>25 distinct from Type II tumours, and</p>

<p>1 research supports that they have 2 different molecular pathways and may 3 not be ovarian in origin." 4 Do you agree with that statement from 5 Health Canada?</p> <p>6 A. I have no reason to disagree with 7 it.</p> <p>8 MS. PARFITT: Objection to form. 9 THE WITNESS: I'm sorry, yes.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. Do you know the difference between 12 a Type I and a Type II tumor?</p> <p>13 A. I don't remember. I don't 14 remember how those are separately distinguished. 15 It is based on histology and invasiveness, but I 16 don't remember the precise definitions of each one.</p> <p>17 Q. If I ask you to identify which 18 ovarian cancer sub-types are Type II and which 19 ovarian cancer sub-types are Type I, you would need 20 to do some research to try to answer that question; 21 correct?</p> <p>22 A. I would need to look something up, 23 yes.</p> <p>24 Q. All right. Are you of the 25 opinion -- well, let me withdraw that. You have no</p>	<p>Page 90</p> <p>1 cancer? 2 MS. PARFITT: Objection to form. 3 THE WITNESS: I don't have an opinion 4 about that.</p> <p>5 BY MR. ZELLERS: 6 Q. What is your understanding of the 7 mechanism by which talcum powder is able to work 8 and affect on different molecular pathways that 9 would cause both a Type I and a Type II ovarian cancer?</p> <p>10 MS. PARFITT: Objection to form. 11 THE WITNESS: So I am not saying that 12 it does cause Type I and Type II. I am saying in 13 the epidemiologic studies, I haven't seen any 14 evidence that it affects the different types 15 differentially. So I don't have an opinion about 16 which mechanisms would explain the fact that I 17 haven't seen any epidemiologic evidence for it.</p> <p>18 BY MR. ZELLERS: 19 Q. Well, would you agree that there 20 is a lack of epidemiologic evidence for at least 21 some sub-types of ovarian cancer?</p> <p>22 MS. PARFITT: Objection to form. 23 THE WITNESS: Yes.</p> <p>24 BY MR. ZELLERS:</p>
<p>1 opinion, do you, that talcum powder can cause both 2 Type I and Type II ovarian cancer; is that fair?</p> <p>3 MS. PARFITT: Objection to form, 4 misstates his testimony.</p> <p>5 THE WITNESS: It is not quite true. In 6 my review of the literature, I have not found 7 compelling evidence that the relationship between 8 talc and ovarian cancer is different between 9 different types of ovarian cancers, namely, the 10 different types of epithelial and so on tumors.</p> <p>11 So I don't see any compelling evidence 12 in the epidemiology that the relationship between 13 talc and the different ovarian tumors is different 14 according to the type.</p> <p>15 How that relates to what is now 16 labelled as Type I and Type II, which are fairly 17 recent nomenclatures that weren't really part of 18 the literature and the discussion about ovarian 19 cancer in the era when most of the epidemiologic 20 studies were carried out and published, how that 21 relates to Type I or Type II, I am not sure.</p> <p>22 BY MR. ZELLERS: 23 Q. Doctor, do you believe that talcum 24 powder affects the different molecular pathways 25 that cause both Type I and Type II cancer, ovarian</p>	<p>Page 91</p> <p>1 Q. This lack of evidence, 2 epidemiologic evidence, makes it difficult to opine 3 with any probability as to a causal relationship 4 between talcum powder use and at least some 5 sub-types of ovarian cancer; correct?</p> <p>6 MS. PARFITT: Objection to form. 7 THE WITNESS: Correct. It is quite 8 natural that the sub-types that are the most 9 frequent, serous invasive tumors, have the most 10 data available and therefore the most opportunity 11 to have answers to the questions about the risk 12 factors. For the very rare sub-types, there just 13 aren't enough cases in some -- in many studies to 14 reliably estimate an association with any risk 15 factors.</p> <p>16 BY MR. ZELLERS: 17 Q. And that would be true for 18 clear-cell, that would be true for mucinous, and to 19 some degree true for endometrioid ovarian cancer; 20 correct?</p> <p>21 MS. PARFITT: Objection to form, 22 misstates his testimony.</p> <p>23 THE WITNESS: It is true that there 24 aren't enough studies and enough evidence regarding 25 those sub-types. In the absence of evidence, my</p>

<p>1 default is to assume that the risk factors, when we      2 look at all sub-types of ovarian cancer combined,      3 would be applicable to all types, but that would be      4 subject to revision as new studies appear and new      5 evidence appears that would provide adequate      6 evidence to distinguish the risk factors for the      7 rarer sub-types.</p> <p>8 BY MR. ZELLERS:</p> <p>9 Q. You would agree that that is not      10 scientifically precise, correct, to lump all of the      11 sub-types together?</p> <p>12 MS. PARFITT: Objection to form,      13 misstates his testimony.</p> <p>14 THE WITNESS: Well, I think that if you      15 provide adequate qualifiers and qualifications to      16 your inferences, you can make scientific inferences      17 from available data and allow the readers of      18 articles or the audience of presentations to give      19 their own weight to the unknown part of the      20 inference.</p> <p>21 So I don't think it is scientific to go      22 beyond the specific cases, controls, subjects,      23 et cetera, that have been studied in a given study      24 to try to make generalizations, that is what      25 science is about, and to openly admit all of the</p>	<p>Page 94</p> <p>1 different histologic types of ovarian cancer?      2 MS. PARFITT: Objection to form.      3 THE WITNESS: No, I am not aware.      4 BY MR. ZELLERS:      5 Q. Are you aware that cigarette      6 smoking is associated with one type of epithelial      7 ovarian cancer and that is mucinous?      8 A. I recall reading that. I haven't      9 reviewed any of the evidence.      10 Q. Do you have a scientific      11 explanation as to why smoking, with whatever      12 mutations cigarette components induce, only cause      13 one histologic sub-type of ovarian cancer where --      14 and let me end there. Do you have any evidence as      15 to that or explanation as to that?      16 A. Well, I am not aware that this      17 relationship between smoking and one particular      18 type of ovarian cancer has been firmly established.      19 I just haven't looked at the evidence, and I      20 haven't seen the reviews that would summarize that.      21 So I don't have an opinion.      22 Q. Understood. Have you reviewed any      23 of the amended reports or deposition testimony from      24 other Plaintiff experts?      25 A. In this case? In the MDL?</p>
<p>1 limitations and qualifiers that would apply to      2 those generalizations and inferences.</p> <p>3 BY MR. ZELLERS:</p> <p>4 Q. Doctor, do you have any opinion as      5 to whether mutations in cells that cause Type I      6 ovarian cancer also cause Type II ovarian cancer?</p> <p>7 A. I don't have an opinion about      8 that.</p> <p>9 MS. PARFITT: Objection to form.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. Are you aware that different genes      12 have been associated with different types of      13 ovarian cancer?</p> <p>14 A. I have --</p> <p>15 MS. PARFITT: Objection to form.</p> <p>16 THE WITNESS: -- read that.</p> <p>17 BY MR. ZELLERS:</p> <p>18 Q. Are you aware that the P53 gene is      19 not associated with Type I ovarian cancer?</p> <p>20 MS. PARFITT: Objection to form.</p> <p>21 THE WITNESS: I don't recall that.</p> <p>22 BY MR. ZELLERS:</p> <p>23 Q. Do you have any evidence that      24 talcum powder can mutate all the different kinds of      25 genes that we know are associated with these</p>	<p>Page 95</p> <p>1 Q. Yes, in the MDL litigation. I'm      2 sorry, let me be more precise.      3 A. You mean since 2019 or what we are      4 talking about? No, I haven't.      5 Q. Do you know who Dr. Clarke-Pearson      6 is?      7 A. I have heard the name. I don't      8 know.      9 Q. All right. Dr. Clarke-Pearson was      10 asked in his recent deposition:      11 "Question: So if I understand      12 you, talcum powder causes all      13 epithelial ovarian cancers except      14 mucinous; is that right?"      15 And his answer was:      16 "Answer: Yes, that's correct."      17 Do you have any reason to agree or      18 disagree with Dr. Clarke-Pearson's testimony,      19 assuming that I have read that correctly to you?      20 MS. PARFITT: Objection to form.      21 THE WITNESS: I have no reason to agree      22 or disagree. I don't have -- I haven't seen the      23 evidence to support that.      24 BY MR. ZELLERS:      25 Q. You have not seen the evidence to</p>

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<p>1 support that mucinous ovarian cancer is related to 2 talcum powder use; is that what you are saying?</p> <p>3 MS. PARFITT: Objection to form, 4 misstates his testimony.</p> <p>5 THE WITNESS: Yeah, I thought what you 6 were saying was that he stated that it was not 7 related to mucinous.</p> <p>8 BY MR. ZELLERS:</p> <p>9 Q. And that was his testimony, yes.</p> <p>10 A. I haven't -- I haven't seen the 11 evidence to support that convincingly, so I 12 don't --</p> <p>13 Q. Have you --</p> <p>14 A. Go ahead.</p> <p>15 Q. Have you finished?</p> <p>16 A. Okay.</p> <p>17 Q. Have you seen convincing 18 epidemiologic evidence to support that mucinous 19 ovarian cancer is causally related to talcum powder 20 use?</p> <p>21 MS. PARFITT: Objection to form.</p> <p>22 THE WITNESS: Let me look in my report.</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. Doctor, I'll withdraw the 25 question.</p>	<p>1 Do you agree with that -- number one, 2 did I read it correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Do you agree with that statement?</p> <p>5 A. I agree with the substance of it.</p> <p>6 Q. All right. On page 47 of your 7 amended report, and we marked that as Exhibit 2, 8 have you gotten to page 47?</p> <p>9 A. Yes, sir.</p> <p>10 Q. All right, in the last paragraph 11 you state: 12 "To the extent that talc 13 exposure might have different 14 effects on different subtypes of 15 ovarian cancer, there would be a 16 clear advantage to segregating the 17 evidence by type of ovarian cancer 18 and evaluating the evidence for each 19 subtype." 20 That is your statement in your amended 21 report and your opinion; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. You did not conduct a separate 24 Bradford Hill analysis on sub-types of ovarian 25 cancer; correct?</p>
<p>1 A. Okay.</p> <p>2 Q. I need to keep moving so that we 3 can hopefully finish in our allotted time. 4 Go back to the Health Canada report, if 5 you will. This is Deposition Exhibit 12, and look 6 at the bottom of page 17 from the section where we 7 have been reviewing the statements of Health 8 Canada. Are you with me?</p> <p>9 A. Yes, I am.</p> <p>10 Q. Health Canada goes on to state on 11 page 17, last paragraph: 12 "Tumor subtypes are one of the 13 many subgroup analyses conducted in 14 several of the epidemiology studies 15 and reviews. However, there was 16 very little consistency in whether, 17 or how, these subgroup analyses were 18 conducted across the available 19 studies, thereby leaving the 20 analyses limited and likely 21 underpowered (low sample sizes). 22 Furthermore, there is considerable 23 uncertainty for how subgroup data 24 should be examined, in particular, 25 for the tumor subtypes."</p>	<p>1 Page 99</p> <p>1 MS. PARFITT: Objection to form.</p> <p>2 THE WITNESS: Sorry, could you repeat 3 that?</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. Sure. You are familiar with the 6 Bradford Hill analysis; correct?</p> <p>7 A. I don't know what you mean by it. 8 What is a Bradford Hill analysis? I have never 9 seen a chapter heading in an epidemiology textbook 10 with that name.</p> <p>11 Q. So your testimony as an expert 12 epidemiologist in this case is that you are 13 unfamiliar with the Bradford Hill criteria; is that 14 your testimony?</p> <p>15 MS. PARFITT: Objection.</p> <p>16 THE WITNESS: Before you used the term 17 "Bradford Hill analysis". Now you are using the 18 term "Bradford Hill criteria". What are you 19 talking about?</p> <p>20 BY MR. ZELLERS:</p> <p>21 Q. Are you familiar with Bradford 22 Hill's paper?</p> <p>23 A. He had many papers. I am familiar 24 with Austin Bradford Hill who, along with Richard 25 Doll, was one of the originators of the hypothesis</p>

<p style="text-align: right;">Page 102</p> <p>1 that smoking causes lung cancer and their --      2 Q. Go ahead, Doctor, finish.      3 A. And their initial case control      4 study was one of the gateways to opening up the      5 realization that smoking is the most important risk      6 factor for cancer.</p> <p>7 Q. Doctor --      8 A. So I am familiar with him and I am      9 familiar with his paper about considerations in      10 reviewing evidence, but I am not familiar with what      11 you mean by a "Bradford Hill analysis", as if it is      12 a technique, sort of a cookbook technique. What do      13 you mean by a "Bradford Hill analysis"?</p> <p>14 Q. Doctor, did you review the      15 Bradford Hill criteria in formulating your opinion      16 that talcum powder use is causally related to --      17 that talcum powder use is causally related to      18 ovarian cancer?</p> <p>19 A. The only Bradford Hill      20 considerations that are referred to as criteria are      21 in the legal -- among legal people. They are not      22 criteria. As Bradford Hill himself said, they are      23 not criteria.</p> <p>24 Q. Okay, Doctor, go to page 63 of      25 your amended report, please.</p>	<p style="text-align: right;">Page 104</p> <p>1 applicability to sub-types of ovarian cancer.      2 BY MR. ZELLERS:      3 Q. And you do that in section 10 of      4 your report; is that right?      5 A. In section 10, I reviewed the -- I      6 commented on the applicability the so-called      7 Bradford Hill guidelines to the evidence regarding      8 talc and ovarian cancer, yes.</p> <p>9 Q. Doctor, my question is have you      10 applied the Bradford Hill considerations to do an      11 analysis of the epidemiology for clear-cell,      12 endometrioid, or mucinous ovarian cancer, and      13 whether or not there is an association to talcum      14 powder use?</p> <p>15 MS. PARFITT: Objection to form.      16 THE WITNESS: I commented that I did      17 not see evidence of an association between -- or a      18 differential association between talc exposure and      19 individual types of ovarian cancer, and therefore,      20 the question of applying a list of considerations      21 is moot.</p> <p>22 BY MR. ZELLERS:      23 Q. Doctor --      24 A. There is no evidence of specific      25 associations with specific cell types. You don't</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Yes.      2 Q. I am looking at page 63 of your      3 amended report, section 10:      4 "Bradford Hill Guidelines      5 Applied to Talc and Ovarian Cancer."      6 Do you see that?      7 A. Yes.      8 Q. Does this refresh your      9 recollection that you are familiar with the      10 Bradford Hill guidelines?      11 A. Well, you didn't say "guidelines".      12 MS. PARFITT: Objection to form.      13 BY MR. ZELLERS:      14 Q. Doctor, are you familiar with the      15 Bradford Hill guidelines?      16 A. Yes.      17 Q. All right. Doctor, did you use      18 the Bradford Hill guidelines to do an analysis on      19 the sub-types of ovarian cancer?      20 MS. PARFITT: Objection to form.      21 THE WITNESS: Did I do an analysis? I      22 reviewed the Bradford Hill considerations, as he      23 called them, in reviewing the overall evidence of      24 the association between talc and ovarian cancer      25 and, where appropriate, I commented on their</p>	<p style="text-align: right;">Page 105</p> <p>1 need to go further to review that.      2 Q. Doctor, are you familiar with a      3 publication by Nicolas Wentzensen and Dr. O'Brien,      4 2021?      5 A. I had just seen that in the last      6 few days. Is it in your folder, in your binder?      7 Q. Yes. We'll mark the Wentzensen      8 2021 article as Deposition Exhibit 14.      9 EXHIBIT NO. 14: Wentzensen 2021      10 article, tab 40, Deposition Exhibit      11 Binder Volume 3.      12 BY MR. ZELLERS:      13 Q. Doctor, you'll find that as tab 40      14 in the Deposition Exhibit Binder, Volume 3. This      15 is listed on the "Additional Materials Considered"      16 list.      17 A. Yes, I have it in front of me.      18 Q. And this is a document or a      19 publication you were asked to review in preparation      20 for your deposition; is that right?      21 A. I don't recall if I was asked to      22 review it. I was sent it.      23 Q. All right.      24 A. And I did look at it.      25 Q. All right. In this 2021 article,</p>

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<p>1 the authors discuss the epidemiology regarding the 2 different histologic sub-types of ovarian cancer; 3 is that right?</p> <p>4 A. Can you point me to the page and 5 section where that is stated?</p> <p>6 Q. Sure. Go to page 7, and I am 7 looking at the right-hand column, the first full 8 sentence. Did you find that, Doctor?</p> <p>9 A. Yes, "The relationship between 10 talc use [...]" et cetera? That sentence?</p> <p>11 Q. Yes. So the authors state in 12 their publication:</p> <p>13 "The relationship between talc 14 use and the rarer mucinous or clear 15 cell tumor histotypes is more 16 ambiguous, though it is not clear 17 whether this is due to true 18 etiologic differences or because 19 their rarity makes them more 20 difficult to study."</p> <p>21 Do you see that?</p> <p>22 A. Yes, I do.</p> <p>23 Q. And do you agree with that 24 statement?</p> <p>25 A. I think --</p>	<p>1 the last ten years or so, go into much more detail 2 and specificity about sub-types of ovarian cancer 3 than was the case in the 1980s and '90s studies.</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. All right. And to the extent that 6 there were misclassifications with respect to 7 sub-types of ovarian cancer in some of the older 8 studies, that would cast at least some doubt as to 9 the validity of their results; would you agree 10 generally with that?</p> <p>11 A. Well --</p> <p>12 MS. PARFITT: Objection to form.</p> <p>13 THE WITNESS: Well, it would only apply 14 to -- the objection that you are raising or the 15 comment that you are making would only apply to 16 those studies that have tried to analyze risk 17 factors for sub-types of ovarian cancer, and those 18 studies, to the extent that there were some in the 19 '80s and '90s, would probably have experienced more 20 misclassification error than studies published in 21 the last ten years or so.</p> <p>22 But a lot of the studies from the '80s 23 and '90s didn't even analyze the risks by 24 sub-types, and the analyses are valid for when they 25 analyzed all sub-types combined but they run the</p>
<p style="text-align: center;">Page 107</p> <p>1 MS. PARFITT: Objection to form.</p> <p>2 THE WITNESS: -- that's a paraphrase of 3 what I told you a few minutes ago, yes.</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. All right. Is there a concept 6 of -- well, do you agree that within the last five 7 years that scientists have gotten better in terms 8 of being able to assess and identify the different 9 sub-types of ovarian cancer?</p> <p>10 A. I believe so.</p> <p>11 MS. PARFITT: Objection to form.</p> <p>12 BY MR. ZELLERS:</p> <p>13 Q. In earlier studies, do you agree 14 that there may have been misclassifications of 15 sub-types in some of the older studies?</p> <p>16 MS. PARFITT: Objection to form.</p> <p>17 THE WITNESS: Yeah, I believe that in 18 general in cancer research there has been a growing 19 realization of -- or a growing ability to 20 distinguish different sub-types of the different 21 tumor types and that this has implications for 22 research and treatment.</p> <p>23 So in general, yes, and I believe that 24 with respect to ovarian cancer, certainly the 25 recent studies, you know, the studies published in</p>	<p style="text-align: center;">Page 109</p> <p>1 risk of glossing over differences in risk factors 2 for different sub-types.</p> <p>3 BY MR. ZELLERS:</p> <p>4 Q. Doctor, looking at your report, 5 you identify on -- this is your amended report, 6 page 87, you identify on Table 9 the relative risk 7 of the sub-types from Terry and O'Brien; is that 8 right?</p> <p>9 A. Yes.</p> <p>10 Q. And why don't we mark the Terry 11 study as Deposition Exhibit 15, and that, Doctor, 12 you can find at tab 38, Deposition Exhibit Binder 13 Volume 3.</p> <p>14 EXHIBIT NO. 15: 2013 Terry study, 15 tab 38, Deposition Exhibit Binder 16 Volume 3.</p> <p>17 BY MR. ZELLERS:</p> <p>18 Q. And let's, Doctor, while you are 19 pulling articles out, let's also mark the O'Brien 20 2020 paper -- and you are familiar with O'Brien 21 2020; correct?</p> <p>22 A. Correct.</p> <p>23 Q. All right, we'll mark that as 24 Exhibit 16 to the deposition, and Doctor, you can 25 find that at tab 30 in Deposition Exhibit Binder</p>

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<p>1      Volume 3.</p> <p>2      EXHIBIT NO. 16: 2020 O'Brien study, 3      tab 30 in Deposition Exhibit Binder</p> <p>4      Volume 3.</p> <p>5      BY MR. ZELLERS:</p> <p>6      Q. Do you have those in front of you, 7      Doctor?</p> <p>8      A. Yes, sir.</p> <p>9      Q. And you are generally familiar 10     with both of these publications; is that right?</p> <p>11     A. Yes.</p> <p>12     Q. For clear-cell - and I am 13     referring to your report, but you can also look at 14     the O'Brien paper - O'Brien found a relative risk 15     of 1.17 with a confidence interval of 0.73 to 1.89; 16     correct?</p> <p>17     A. Correct.</p> <p>18     MS. PARFITT: Objection to form.</p> <p>19     BY MR. ZELLERS:</p> <p>20     Q. You rely on the Terry study, 2013, 21     Exhibit 15 to the deposition, to support your view 22     that talcum powder use can cause clear-cell ovarian 23     cancer; is that correct?</p> <p>24     A. I relied on all the studies in my 25     bibliography, yes.</p>	<p>1      A. That's right.</p> <p>2      Q. Are you generally familiar with 3      the Wong study, W-o-n-g?</p> <p>4      A. Refresh my memory or --</p> <p>5      MS. PARFITT: Is there a year for the 6      Wong? Michael, I'm sorry, is there a year for the 7      Wong study?</p> <p>8      BY MR. ZELLERS:</p> <p>9      Q. I don't have a year in front of 10     me. Doctor, let me withdraw that question. Let me 11     rephrase.</p> <p>12     Are you aware that there are a number 13     of studies that have looked at clear-cell and 14     concluded that there is no association with talcum 15     powder use?</p> <p>16     A. When you are --</p> <p>17     MS. PARFITT: Objection to form.</p> <p>18     THE WITNESS: When you are referring in 19     this question to studies of clear-cell, are you 20     making a distinction between original evidence from 21     a given study or meta-analyses that have combined 22     evidence from multiple studies?</p> <p>23     BY MR. ZELLERS:</p> <p>24     Q. I'm including both.</p> <p>25     A. You are including both. I am</p>
<p style="text-align: center;">Page 111</p> <p>1      Q. Well, Terry is the only study out 2      of all of the studies that supports your view that 3      talcum powder use can cause clear-cell ovarian 4      cancer; correct?</p> <p>5      MS. PARFITT: Objection to form.</p> <p>6      THE WITNESS: So I didn't do a specific 7      analysis of clear-cell cancers. I did an analysis 8      of all the cancers and all the sub-types, and I 9      noted that there was no compelling evidence that 10     the risks differed by sub-types.</p> <p>11     And then I said that for all intents 12     and purposes, we can treat all the sub-types the 13     same.</p> <p>14     BY MR. ZELLERS:</p> <p>15     Q. And that opinion and lumping all 16     of the sub-types together would be subject to the 17     limitations that you talked about earlier; correct?</p> <p>18     A. That's correct.</p> <p>19     Q. Are you aware that in O'Brien, 20     Berge, 2017 -- you are familiar with that study, 21     right?</p> <p>22     A. Yes.</p> <p>23     Q. You are familiar with the Taher 24     study, both the draft and then the final; is that 25     right?</p>	<p style="text-align: center;">Page 113</p> <p>1      aware that there have been results published on the 2      association with clear-cell cancer, yes.</p> <p>3      Q. In your report, you just referred 4      to the Terry 2013 study to support your view that 5      talcum powder can cause clear-cell ovarian cancer; 6      correct? That is page 87 of your --</p> <p>7      MS. PARFITT: Objection to form.</p> <p>8      THE WITNESS: Sorry, that is a table, 9      right, that page?</p> <p>10     BY MR. ZELLERS:</p> <p>11     Q. Yes, that is a table.</p> <p>12     A. Is there a quotation in my report 13     that you want me to comment on?</p> <p>14     Q. No, Doctor, here is my new 15     question. Are you aware of any study, either 16     original study or meta-analysis, other than Terry 17     2013 that supports your view that talcum powder can 18     cause clear-cell ovarian cancer?</p> <p>19     MS. PARFITT: Objection to form, asked 20     and answered.</p> <p>21     THE WITNESS: As I have indicated, I 22     don't recall having assembled the evidence 23     regarding clear-cell tumors specifically. What I 24     do recall is going through all the studies that 25     reported on multiple sub-types and finding, as was</p>

<p style="text-align: right;">Page 114</p> <p>1 quoted in the Health Canada -- I think was it the      2 Health Canada report or some other report that you      3 just had me read, that the evidence for      4 differential risk due to talc did not -- there was      5 no convincing evidence of differential risk by      6 sub-types in all the studies that had reported      7 results by sub-type.</p> <p>8 There were some studies where the      9 serous relative risks were higher and some where      10 others were higher, and it bounced around in such a      11 way that, to my eye and my interpretation, I didn't      12 see a pattern that would allow me to conclude that      13 there was a systematic difference. That is all I      14 said, I believe.</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. Are you familiar with the Cramer      17 2016 study?</p> <p>18 A. I am familiar with the report.</p> <p>19 Q. All right. Take a look at Cramer      20 2016, which we will mark as Exhibit 17 to this      21 deposition, and, Doctor, you can find that at tab      22 18, and that may be a wrong cite, Deposition      23 Exhibit Binder 3. Let me look and see and give you      24 the correct -- I'm sorry, it is Volume 1. So      25 Cramer 2016 is tab 18, Exhibit Binder Volume 1, and</p>	<p style="text-align: right;">Page 116</p> <p>1 completely different studies for the Terry paper.      2 Q. Have you been provided with any      3 information on the Terry study or paper or the data      4 for the Terry study outside of what is in the      5 publication?</p> <p>6 A. No.</p> <p>7 Q. Did you ever communicate or ever      8 have any communications with the author, Kathryn      9 Terry?</p> <p>10 MS. PARFITT: Michael, I am going to      11 object at this point in time. I let you go for a      12 little while because I thought you were making a      13 comparison between Terry and O'Brien and other      14 studies, but this line of testimony with regard to      15 examining him on Terry was certainly done at his      16 first deposition.</p> <p>17 BY MR. ZELLERS:</p> <p>18 Q. Okay, and that's fair. Let me      19 make the comparison that I would like to that is      20 referenced in the amended report. Doctor, you      21 understand that Cramer does not find an association      22 between talc use and clear-cell carcinoma; is that      23 right?</p> <p>24 A. Well, I would have to look      25 through --</p>
<p style="text-align: right;">Page 115</p> <p>1 marked as Exhibit 17 to this deposition.</p> <p>2 EXHIBIT NO. 17: Cramer 2016 study,      3 tab 18, Exhibit Binder Volume 1.</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. Do you see that, Doctor?</p> <p>6 A. I see the article, yes.</p> <p>7 Q. All right. Cramer looked at the      8 same data set in 2016 that the Terry study in 2013      9 looked at, and that was data from the New England      10 Consortium; is that your understanding?</p> <p>11 MS. PARFITT: Objection to form.</p> <p>12 THE WITNESS: Well, the Terry paper      13 included the New England data, but also a lot more.      14 And the --</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. How do you know, Doctor, that the      17 Terry data included both the New England data plus      18 a lot more? Is it simply because she reports on      19 more cases, or did you see something in the study,      20 or have you been given some information that helps      21 you understand the data source for the Terry paper?</p> <p>22 A. Well, I think it is in the title      23 of the article, in the abstract of the article, in      24 the methods of the article, and in the results of      25 the article that they combined data from eight</p>	<p style="text-align: right;">Page 117</p> <p>1 MS. PARFITT: Objection to form.</p> <p>2 THE WITNESS: -- his article to see.</p> <p>3 It is not fresh in my memory, every result in every      4 paper, so I'll --</p> <p>5 MS. PARFITT: And again, to the extent      6 that question is limited to the Cramer study, once      7 again, prior to his January 2019 deposition, he was      8 examined thoroughly with regard to the Cramer      9 study.</p> <p>10 MR. ZELLERS: He was, but he raises the      11 issue of a clear-cell and an association between      12 talcum powder use and clear-cell in his amended      13 report.</p> <p>14 MS. PARFITT: The same objection,      15 Michael.</p> <p>16 MR. ZELLERS: And that is --</p> <p>17 MS. PARFITT: I am not sure you have      18 made the link.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. Let me wrap it up this way,      21 Doctor. Do you agree with me that in Dr. Cramer's      22 2016 article in which he is relying on the same      23 data set or at least the New England Consortium      24 data set, that Dr. Cramer did not find an      25 association between talc use and clear-cell</p>

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1 carcinoma?	1 A. Yes, I do.
2 MS. PARFITT: Objection to form.	2 Q. Do you know if the authors of the
3 THE WITNESS: I am just looking for	3 O'Brien paper, Katie O'Brien is the first named
4 that in the paper, so I am -- if you don't mind, it	4 author?
5 is not fresh in my memory what every result --	5 A. Are you asking if I know her?
6 BY MR. ZELLERS:	6 Q. Well, either know her or know any
7 Q. And let me just -- I am going to	7 of the other authors to this paper, O'Brien 2020?
8 rephrase. I'll withdraw that question. Do you	8 A. I recognize her name and the name
9 have any recollection as you sit here today that	9 of a couple of other authors, co-authors. I don't
10 Dr. Cramer found an association based upon the New	10 know any of them well, but one of them I have known
11 England Consortium data set between clear-cell	11 sort of as a colleague for a long time.
12 ovarian cancer and talcum powder use?	12 Q. And who is that?
13 A. No, I don't have a recollection.	13 A. Dale Sandler.
14 MS. PARFITT: Objection to form.	14 Q. And Dale Sandler is a Ph.D. What
15 BY MR. ZELLERS:	15 is his expertise in?
16 Q. All right. Do we want to take a	16 A. She is an epidemiologist.
17 break or do we want to continue? What is	17 Q. And is she a capable
18 everyone's preference?	18 epidemiologist, as far as you are aware?
19 MS. PARFITT: We have gone awhile. I	19 A. Yes, I think so.
20 would suggest a break. Dr. Siemiatycki, a quick	20 MS. PARFITT: Objection.
21 break?	21 BY MR. ZELLERS:
22 THE WITNESS: If we -- I am fine to	22 Q. Are you aware that none of the
23 break now or to break in 20 minutes or so.	23 authors to this paper are experts in the talc
24 Whatever -- if this is a natural spot and if our	24 litigation?
25 transcript person is happy to do it now rather than	25 A. I am not sure what you mean by
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1 later. I am easy. I would say within half an hour	1 "experts in the talc litigation".
2 for sure, within 20 or 30 minutes for sure, but it	2 Q. You are serving here as an expert
3 could be now.	3 witness on behalf of Plaintiffs; correct?
4 MR. ZELLERS: All right, let's go off	4 A. Oh, you mean Expert with a big
5 the record for a second.	5 "E"?
6 [Discussion Off The Record.]	6 Q. Yes, I'm sorry.
7 -- RECESSED AT 1:02 P.M.	7 A. Big "E" Expert, I'm sorry. I
8 -- RESUMED AT 1:35 P.M.	8 thought you meant a generic expert. I am not
9 BY MR. ZELLERS:	9 aware. I am not aware.
10 Q. Dr. Siemiatycki, I asked you some	10 Q. Do you know Dr. O'Brien?
11 questions earlier about your invoices, and we went	11 A. Only from this article. I don't
12 through your communications with Health Canada and	12 know that I have met her or had any dealings with
13 with Ms. Parfitt or with someone on the Plaintiff	13 her. I can't remember.
14 counsel side relating to Health Canada. Was the	14 Q. Dr. O'Brien is a part of the
15 time that you spent doing that, communicating with	15 National Institute of Environmental Health
16 Health Canada and communicating with Plaintiffs'	16 Scientist, which is a part of NIH; is that right?
17 counsel about Health Canada, is that time included	17 A. Yes, that's right.
18 in the invoices that you submitted in this matter?	18 Q. NIH is a reputable institution?
19 A. No, it isn't.	19 A. Yes, it is.
20 Q. Did you bill anyone for that time?	20 Q. Dr. O'Brien and this O'Brien
21 A. No, I didn't.	21 article was published in JAMA?
22 Q. Dr. Siemiatycki, you are familiar	22 A. Yes.
23 with the O'Brien paper, and we had previously	23 Q. JAMA is one of the world's most
24 marked that as Exhibit 16. Do you have that paper	24 prestigious and authoritative medical journals; is
25 in front of you?	25 that right?

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<p>1 A. Yes.</p> <p>2 Q. Whose idea was it to include this</p> <p>3 O'Brien paper and study in your amended report?</p> <p>4 MS. PARFITT: Objection to form.</p> <p>5 THE WITNESS: Whose idea? I suppose it</p> <p>6 was my idea. When I became aware of it, I thought,</p> <p>7 okay, this needs to be included in my report.</p> <p>8 BY MR. ZELLERS:</p> <p>9 Q. Well, do you recall whether it was</p> <p>10 suggested to you by Plaintiffs' counsel to include</p> <p>11 the O'Brien paper or whether this is a paper that</p> <p>12 you found on your own? And if you don't recall,</p> <p>13 you can tell me you don't recall.</p> <p>14 A. I honestly don't recall.</p> <p>15 MS. PARFITT: Objection to form.</p> <p>16 BY MR. ZELLERS:</p> <p>17 Q. Do you agree that the O'Brien</p> <p>18 study, Deposition Exhibit 16, provides the best and</p> <p>19 most up-to-date representation of the four cohort</p> <p>20 studies that have been conducted?</p> <p>21 MS. PARFITT: Objection to form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. Do you agree that there is little</p> <p>25 doubt that the results from O'Brien 2020 paper are</p>	<p>1 A. Over the --</p> <p>2 MS. PARFITT: Objection to form.</p> <p>3 THE WITNESS: Improved validity over</p> <p>4 the previously published individual studies, yes.</p> <p>5 BY MR. ZELLERS:</p> <p>6 Q. The O'Brien study included 252,745</p> <p>7 women; is that your recollection?</p> <p>8 MS. PARFITT: Objection to form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. Do you have the --</p> <p>12 A. I have the article in front of me,</p> <p>13 and I'll just -- I'm sure you read it right.</p> <p>14 Q. So, I'm looking at "RESULTS" in</p> <p>15 the abstract.</p> <p>16 A. Yes, okay, I see that.</p> <p>17 Q. The total number of person years</p> <p>18 studied in this pooled analysis was 3.8 million; is</p> <p>19 that right?</p> <p>20 A. If that is what they say, that is</p> <p>21 right, yes.</p> <p>22 Q. Well, take a look at Table 2 on</p> <p>23 page 53.</p> <p>24 A. Yes, I see that.</p> <p>25 Q. And in Table 2, the authors</p>
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<p>1 superior and should replace the results of the</p> <p>2 individual papers that were previously published</p> <p>3 from the cohort studies?</p> <p>4 MS. PARFITT: Objection to form.</p> <p>5 THE WITNESS: I assume your question is</p> <p>6 in regard to talc and ovarian cancer.</p> <p>7 BY MR. ZELLERS:</p> <p>8 Q. That's correct.</p> <p>9 A. And then I would say yes.</p> <p>10 Q. Do you agree that the O'Brien</p> <p>11 study, along with Terry 2013, carries the most</p> <p>12 statistical weight of the studies in this area?</p> <p>13 MS. PARFITT: Objection to form.</p> <p>14 THE WITNESS: I believe it does.</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. Do you agree that the O'Brien 2020</p> <p>17 paper entailed longer follow-up and therefore</p> <p>18 improved validity?</p> <p>19 A. Longer --</p> <p>20 MS. PARFITT: Objection to form.</p> <p>21 THE WITNESS: Longer follow-up than the</p> <p>22 previously published individual studies, yes.</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. And, therefore, improved validity;</p> <p>25 do you agree with that?</p>	<p>1 provide factual support for the 3.8 million years;</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. In Table 2, the authors list the</p> <p>5 four cohort studies which are NHS, NHSII, SIS, and</p> <p>6 WHI-OS, and you are familiar with each of those</p> <p>7 cohort studies; correct?</p> <p>8 A. Correct.</p> <p>9 Q. The pooled estimate is 3,765,706,</p> <p>10 and we get that from Table 2; correct?</p> <p>11 A. Correct.</p> <p>12 Q. And if you go to the right, the</p> <p>13 last column, the adjusted hazard ratio is 1.08 with</p> <p>14 a confidence interval of 0.99 to 1.17; is that</p> <p>15 correct?</p> <p>16 A. That's correct.</p> <p>17 Q. That finding is not statistically</p> <p>18 significant because it crosses the 1; correct?</p> <p>19 MS. PARFITT: Objection to form.</p> <p>20 THE WITNESS: You have to specify at</p> <p>21 what level of confidence you are testing for</p> <p>22 statistical significance, but in any case, I'll go</p> <p>23 along with your question. That confidence interval</p> <p>24 crosses the 1; if that is what you are stating, I</p> <p>25 agree with that.</p>

<p style="text-align: right;">Page 126</p> <p>1 BY MR. ZELLERS:</p> <p>2 Q. All right. Go to page 56, below</p> <p>3 Table 4, under "Discussion". Do you see where I am</p> <p>4 at? So page 56, first column, under "Discussion".</p> <p>5 A. Yes, I see.</p> <p>6 Q. The authors state:</p> <p>7 "In this pooled analysis of 4</p> <p>8 large US cohorts, there was no</p> <p>9 statistically significant</p> <p>10 association between self-reported</p> <p>11 use of powder in the genital area</p> <p>12 and risk of ovarian cancer. There</p> <p>13 were no clear dose-response trends</p> <p>14 for duration and frequency of powder</p> <p>15 use in the genital area in relation</p> <p>16 to ovarian cancer risk."</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes, you did.</p> <p>19 Q. There is one point, Dr.</p> <p>20 Siemiatycki, if I understand your report, your</p> <p>21 amended report correctly. A data point in O'Brien</p> <p>22 is that she separates out the ovarian cancer risk</p> <p>23 among women with a patent reproductive tract. Do</p> <p>24 you recall that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 128</p> <p>1 and you can contrast them, and you can choose the</p> <p>2 one you prefer. I have indicated by labelling one</p> <p>3 of them my main one which one I think is more</p> <p>4 valid, but you can see actually that it doesn't</p> <p>5 make much difference. Even choosing the other one</p> <p>6 leads to a meta relative risk that is identical.</p> <p>7 BY MR. ZELLERS:</p> <p>8 Q. The "Main Meta-Analysis" includes</p> <p>9 only women from O'Brien with a patent reproductive</p> <p>10 tract; correct?</p> <p>11 A. That's correct.</p> <p>12 MS. PARFITT: Objection to form.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. You describe in your amended</p> <p>15 report how you selected studies for review, and do</p> <p>16 you agree with this statement:</p> <p>17 "A meta-analysis should focus</p> <p>18 on original results in published</p> <p>19 studies, and should not include</p> <p>20 opinion pieces, reviews, and [other]</p> <p>21 meta-analyses"?</p> <p>22 A. I agree.</p> <p>23 Q. You included the Terry 2013 pooled</p> <p>24 analysis in your meta-analysis; is that right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. And in your updated meta-analysis,</p> <p>2 instead of including all of the data, the data for</p> <p>3 both the patent reproductive tract and the</p> <p>4 non-patent reproductive tract, you only include the</p> <p>5 sub-group of women with a patent reproductive</p> <p>6 tract; is that correct?</p> <p>7 A. I did one analysis with that</p> <p>8 sub-group and a so-called sensitivity analysis with</p> <p>9 all the women.</p> <p>10 Q. The meta-analysis that you</p> <p>11 performed only includes the data from O'Brien</p> <p>12 relating to the ovarian cancer risk among women</p> <p>13 with a patent reproductive tract; is that correct?</p> <p>14 MS. PARFITT: Objection to form, asked</p> <p>15 and answered.</p> <p>16 THE WITNESS: Not quite. If you look</p> <p>17 in my report on page 77, Table 3, you will see that</p> <p>18 there are results there for what I refer to as the</p> <p>19 "Main Meta-Analysis", and then the next line of</p> <p>20 results indicates "Substitute O'Brien B for O'Brien</p> <p>21 A", and that specifically means I substituted the</p> <p>22 all women result for the women with the patent open</p> <p>23 tract.</p> <p>24 So the report contains -- my report, my</p> <p>25 analysis contains both of those kinds of results,</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. You chose for your main</p> <p>2 meta-analysis women with a patent reproductive</p> <p>3 tract because this probably provides a more valid</p> <p>4 estimate of the risk since it is not diluted by the</p> <p>5 inclusion of women in whom talc particles could not</p> <p>6 reach the ovaries. Was that your reasoning?</p> <p>7 A. That was my reasoning.</p> <p>8 Q. Did you consult with any other</p> <p>9 experts, medical experts or other experts, to make</p> <p>10 that decision of including only the women with</p> <p>11 patent reproductive tracts from the O'Brien study</p> <p>12 in your main meta-analysis?</p> <p>13 A. No, I didn't consult anybody about</p> <p>14 that. I --</p> <p>15 Q. All right.</p> <p>16 A. -- took my cue from the authors of</p> <p>17 the paper who went to the trouble of producing</p> <p>18 results based on that subset of women and giving it</p> <p>19 great credibility.</p> <p>20 Q. You cite to Dr. Gossett's article</p> <p>21 or editorial in your 2021 report, is that right,</p> <p>22 under "Additional Materials Considered"?</p> <p>23 A. I have read it, yes.</p> <p>24 Q. All right.</p> <p>25 A. I had considered it.</p>

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<p>1 Q. Let's mark Dr. Gossett's article      2 titled "Use of Powder in the Genital Area and      3 Ovarian Cancer Risk, Examining the Evidence" as      4 Deposition Exhibit 18. Doctor, you'll find this as      5 tab 22 in the Deposition Exhibits Binder and that      6 should be Volume 1.</p> <p>7 EXHIBIT NO. 18: Dr. Gossett's article      8 titled "Use of Powder in the Genital      9 Area and Ovarian Cancer Risk, Examining      10 the Evidence", tab 22, Deposition      11 Exhibit Binder Volume 1.</p> <p>12 THE WITNESS: Okay, I have it.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. Are you familiar with Dr. Dana      15 Gossett?</p> <p>16 A. No, I am not. I looked her up,      17 and she is a clinician and a gynaecologist      18 obstetrician, as is the co-author, Dr. del Carmen.</p> <p>19 Q. Did you see that she is Vice Chair      20 at UCSF Medical Centre?</p> <p>21 A. Vice Chair of what?</p> <p>22 Q. University of California, San      23 Francisco Medical Centre, that she was the Vice      24 Chair?</p> <p>25 A. I don't think she was the Vice</p>	<p>1 hysterectomy (nonpatent) and use      2 powders in the genital area cannot      3 be assumed to have started using      4 them only after their surgeries - in      5 fact, this is highly unlikely as      6 women often begin use of powder in      7 the genital area during      8 adolescence."</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes, you did.</p> <p>11 Q. Do you have any reason to disagree      12 with that?</p> <p>13 MS. PARFITT: Objection to form.</p> <p>14 THE WITNESS: I don't disagree with      15 that. I disagree with the inference that might be      16 made from the way they phrased that argument,      17 namely, the dichotomization -- do you need to deal      18 with something? Is someone's phone ringing?      19 Sorry, I hear a buzzing.</p> <p>20 Okay, I'm sorry, I'm sorry for that.</p> <p>21 MR. ZELLERS: Let's go off the record      22 for just a second.</p> <p>23 [Discussion Off The Record.]</p> <p>24 BY MR. ZELLERS:</p> <p>25 Q. So we will continue. Dr.</p>
<p style="text-align: center;">Page 131</p> <p>1 Chair of the university. I think she was the Vice      2 Chair of a Department of Obstetrics and Gynecology      3 or something like that.</p> <p>4 Q. All right. Do you see or did you      5 see in your review of her background that she is      6 now Chair of the Department of Obstetrics and      7 Gynecology at NYU Langone?</p> <p>8 A. Yes, I think I saw that.</p> <p>9 Q. Dr. Gossett discusses the      10 migration of talc in her article here; is that      11 right?</p> <p>12 A. I believe so. I am just looking      13 for that section of her report.</p> <p>14 Q. Well, let me direct you, Doctor,      15 and of course, you are free to look at anything you      16 need to look at, but take a look on page 30 in the      17 left-hand column, if you would, please.</p> <p>18 A. Yes.</p> <p>19 Q. So, Dr. Gossett is talking about      20 patency and makes the statement:</p> <p>21 "However, it is not possible to      22 equate a patent reproductive tract      23 with exposure and a nonpatent      24 reproductive tract with nonexposure.      25 Women who undergo tubal ligation or</p>	<p style="text-align: center;">Page 133</p> <p>1 Siemiatycki --</p> <p>2 MS. PARFITT: Michael, he was in the      3 middle of responding to a question.</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. I thought he had finished. Dr.      6 Siemiatycki --</p> <p>7 A. I'm sorry, I didn't --</p> <p>8 Q. -- did you finish?</p> <p>9 A. I hadn't finished, I'm sorry.</p> <p>10 Q. All right, go ahead. I apologize      11 and finish your answer.</p> <p>12 A. Okay, so what I -- one possible      13 interpretation of the way they have phrased this is      14 that the distinction between women with patent      15 reproductive tracts and non-patent reproductive      16 tracts has no bearing on exposure to talc      17 particles, and I don't think that is what they      18 meant, but I can easily see that that would be an      19 interpretation.</p> <p>20 The women with patent reproductive      21 tracts continue to be potentially exposed depending      22 on their personal use of powdering products. The      23 women who have -- do not have patent reproductive      24 tracts, their point is well taken that some of -- a      25 fraction of their lifetime exposure might have</p>

<p style="text-align: right;">Page 134</p> <p>1 occurred before any surgery to close up the      2 reproductive tracts. And so they would still have      3 accumulated a certain amount of exposure. They are      4 not totally historically unexposed.</p> <p>5 Nevertheless, if you look at the entire      6 group of women and follow them from, you know,      7 early teens or adulthood use of powders to the age      8 of getting ovarian cancer, if -- or not, at the      9 point where they had surgery to close up the      10 reproductive tracts, then their exposure would end,      11 and therefore compared to a woman who started at      12 the same time and remains with an open reproductive      13 tract, they would have much less exposure.</p> <p>14 So it is not a sort of a black and      15 white exposed, not exposed, but they would have      16 much less exposure than the women who are bundled      17 into the group of non-patent users of powders.</p> <p>18 BY MR. ZELLERS:</p> <p>19 Q. Doctor, did you rely on any      20 studies or scientific articles for the assumptions      21 that you have just told us about?</p> <p>22 A. So I haven't made --</p> <p>23 MS. PARFITT: Objection to form.</p> <p>24 THE WITNESS: I haven't made any      25 assumptions. I have said that if two women --</p>	<p style="text-align: right;">Page 136</p> <p>1 was 57 years? Any reason to disagree with that?      2 A. No, I would have no reason to      3 disagree with that.</p> <p>4 MS. PARFITT: Objection to form.</p> <p>5 BY MR. ZELLERS:</p> <p>6 Q. Have you read in some of the      7 papers that most women begin using talc early in      8 life?</p> <p>9 A. Yes --</p> <p>10 MS. PARFITT: Objection to form.</p> <p>11 THE WITNESS: -- I have read it.</p> <p>12 BY MR. ZELLERS:</p> <p>13 Q. Have you seen or do you know from      14 your experience that most women have tubal      15 ligations or hysterectomies later in life after      16 they are done having children?</p> <p>17 MS. PARFITT: Objection to form.</p> <p>18 THE WITNESS: Yes, agreed.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. And that is discussed in the      21 Gossett paper or article that we marked as Exhibit      22 18; is that right?</p> <p>23 A. I'm sorry, can you point me to      24 specific quotations in the article?</p> <p>25 Q. Well, let me withdraw that</p>
<p style="text-align: right;">Page 135</p> <p>1 BY MR. ZELLERS:</p> <p>2 Q. Doctor, my question is did you      3 rely on any studies?</p> <p>4 MS. PARFITT: Michael, he is trying to      5 answer your question.</p> <p>6 MR. ZELLERS: Then that is a question      7 that he can answer yes or no. Did you rely on any      8 studies --</p> <p>9 MS. PARFITT: It may not be. He is      10 explaining. Go ahead, Dr. Siemiatycki. Answer the      11 question.</p> <p>12 THE WITNESS: I didn't rely on any      13 specific studies. I relied on common sense.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. Do you agree, Dr. Siemiatycki,      16 that it would be wrong to exclude a group of women      17 from your meta-analysis who had substantial      18 exposure to talcum powder?</p> <p>19 MS. PARFITT: Objection to form.</p> <p>20 THE WITNESS: It depends on the design      21 of the study. Sometimes it would be wrong and      22 sometimes it would be right.</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. Would you agree that the median      25 age at baseline for the women in the O'Brien study</p>	<p style="text-align: right;">Page 137</p> <p>1 question. Let me ask this question, and I am going      2 to read a sentence or -- I guess, a sentence from      3 the Gossett article, and I am going to ask you at      4 the end if you agree with it. So go to page 30 --</p> <p>5 MS. PARFITT: Michael -- okay.</p> <p>6 MR. ZELLERS: Yes, Ms. Parfitt, what?</p> <p>7 MS. PARFITT: Michael, you don't have      8 to get stern. I was just trying to get the page      9 number, and you just gave it to me. So I thank you      10 for that. Yes, no need to get testy.</p> <p>11 MR. ZELLERS: I am not getting testy,      12 but --</p> <p>13 MS. PARFITT: Okay. Thank you for the      14 page number.</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. You are welcome. Dr. Siemiatycki,      17 are you with me? Page 30, the left-hand column at      18 the bottom.</p> <p>19 A. Yes.</p> <p>20 Q. And I am starting with:      21 "The fact that [...]"</p> <p>22 I am reading from Dr. Gossett's      23 article:</p> <p>24 "The fact that there are no      25 significant differences in the</p>

<p>1 [hazard ratios] in the patent      2 ([hazard ratio], 1.13 [95%      3 [confidence interval], 1.01-1.26])      4 and nonpatent subgroups ([hazard      5 ratio], 0.99 [95% [confidence      6 interval], 0.86-1.15]; P value for      7 heterogeneity comparing these      8 subgroups of .15) confirms the      9 overall conclusion that there is no      10 demonstrable statistically      11 significant association between use      12 of powder in the genital area and      13 ovarian cancer risk. This is the      14 key finding of the study."</p> <p>15 Do you agree with that statement?</p> <p>16 A. No, I don't.</p> <p>17 Q. All right. And why do you not      18 agree with that statement?</p> <p>19 A. It reveals a shocking lack of      20 understanding of statistical significance, and it      21 is a classic example of what has been decried      22 by...[inaudible].</p> <p>23 Q. Dr. Siemiatycki, you have frozen      24 up, and I did not hear you. Let's go off the      25 record. Oh, okay, now we have got him back.</p>	<p>Page 138</p> <p>1 O'Brien study?</p> <p>2 A. Yes. There are two reasons, not      3 two other reasons. I believe so, that was the      4 reason you just cited, but all leading      5 statisticians would -- I am echoing what is the      6 prevalent view among all sophisticated      7 statisticians, and I would say that the difference      8 between an HR of 1.13 and 0.99 in the two      9 sub-groups is not proof that there is no      10 statistical association between use of powder and      11 ovarian cancer risk. It is using inappropriate      12 inferences.</p> <p>13 Q. Doctor, I want to go to your      14 meta-analysis, and you included in your main      15 meta-analysis the data from the Schildkraut 2016      16 paper; is that right?</p> <p>17 A. Yes, I did.</p> <p>18 Q. In "Schildkraut (2016)", and I am      19 reading from your report:</p> <p>20 "The authors speculated that      21 publicity surrounding two class      22 action lawsuits on talc and ovarian      23 cancer in 2014 may have subsequently      24 included bias in the validity of      25 reporting of talc exposure.</p>
<p>Page 139</p> <p>1 So, Dr. Siemiatycki, you froze. We did      2 not hear your response. Can you repeat your      3 answer?</p> <p>4 A. Am I still frozen?</p> <p>5 Q. No, you are -- we can hear you      6 now.</p> <p>7 A. Okay. Thank you. So I was      8 starting to say it reveals the lack of      9 understanding of statistical significance, and it      10 reveals why statistical associations like the      11 American Statistical Association and leading      12 epidemiologists and statisticians have decried the      13 way statistical significance is used by -- in many      14 domains to reach incorrect conclusions. And I have      15 many examples. I had a couple of articles here --      16 well, a statement by the American Statistical      17 Association on P-values.</p> <p>18 Q. And, Doctor, we have seen that in      19 your amended report.</p> <p>20 A. Okay.</p> <p>21 Q. So my question is other than you      22 think that Dr. Gossett is misusing statistical      23 significance, any other reason that you disagree      24 with her conclusion that there is no difference      25 between the non-patent and patent group in the</p>	<p>Page 141</p> <p>1 Consequently, in their analysis and      2 report, they presented two sets of      3 results, one for all women in the      4 study, and another for those      5 interviewed [after] 2014."</p> <p>6 Is that your understanding?</p> <p>7 A. Yes.</p> <p>8 Q. There is a difference in odds      9 ratio between those interviewed before 2014 and      10 those interviewed afterwards; is that right?</p> <p>11 A. Yes, that's correct.</p> <p>12 Q. Rather than using the sub-group      13 from 2014, you chose to use the risk estimates from      14 all of the Schildkraut 2016 data, both before 2014      15 and after 2014; is that right?</p> <p>16 A. That's correct.</p> <p>17 Q. In doing so, you chose to ignore      18 the authors' suspicions about that group that was      19 exposed to all the publicity; is that right?</p> <p>20 MS. PARFITT: Objection to form.</p> <p>21 THE WITNESS: My answer would be      22 similar to the one I gave a few minutes ago about      23 the O'Brien study. I didn't ignore it. I was      24 aware of it, and I carried out an analysis with the      25 Schildkraut data from before 2014, and I presented</p>

<p>1 that in my report.</p> <p>2 So ignoring it is not a correct verb, I</p> <p>3 think, to describe what I did.</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. Well -- are you finished?</p> <p>6 A. Yes, I am. Go ahead.</p> <p>7 Q. Okay. Doing it the way you did,</p> <p>8 by including all of the data from Schildkraut both</p> <p>9 before 2014 and after 2014, that gave you a higher</p> <p>10 relative risk in your meta-analysis; is that</p> <p>11 correct?</p> <p>12 A. That's correct.</p> <p>13 MS. PARFITT: Objection to form.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. So when you included the O'Brien</p> <p>16 data, at least in your main meta-analysis you chose</p> <p>17 a sub-group, and when you included the Schildkraut</p> <p>18 data, you chose to include the entire group; is</p> <p>19 that accurate?</p> <p>20 A. Yes, that is.</p> <p>21 Q. All right. I want to ask you a</p> <p>22 couple of questions, Doctor, about dose-response.</p> <p>23 You are familiar with the concept dose-response?</p> <p>24 A. Yes.</p> <p>25 Q. Clearly you address it in your</p>	<p>Page 142</p> <p>1 A. In different contexts, yes.</p> <p>2 Q. Another study that you have</p> <p>3 referred to and let me ask you if you are familiar,</p> <p>4 Schildkraut -- it is actually by Davis, is the</p> <p>5 first author, and Schildkraut 2021. Are you</p> <p>6 familiar with that study?</p> <p>7 A. Probably, but if you could point</p> <p>8 me to it, it will jog my memory.</p> <p>9 Q. Sure. Take a look, if you will,</p> <p>10 at tab 19, Deposition Exhibit Binder 1, and we will</p> <p>11 mark the Davis and Schildkraut 2021 study as</p> <p>12 Exhibit 19 to this deposition.</p> <p>13 EXHIBIT NO. 19: Davis and Schildkraut</p> <p>14 2021 study, tab 19, Deposition Exhibit</p> <p>15 Binder 1.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. ZELLERS:</p> <p>18 Q. You reviewed this article; is that</p> <p>19 right?</p> <p>20 A. I read it, yes.</p> <p>21 Q. And you are also familiar with the</p> <p>22 Schildkraut 2016 meta-analysis; is that right?</p> <p>23 A. Meta --</p> <p>24 Q. Let me jog -- I'll jog your</p> <p>25 memory. The 2016 Schildkraut meta-analysis, we</p>
<p>Page 143</p> <p>1 amended report and also your original report. Is</p> <p>2 it accurate, Doctor, that Health Canada did not</p> <p>3 find a clear dose-response between talcum powder</p> <p>4 use and ovarian cancer?</p> <p>5 MS. PARFITT: Objection to form.</p> <p>6 THE WITNESS: Okay, do you have a</p> <p>7 particular page --</p> <p>8 BY MR. ZELLERS:</p> <p>9 Q. I do, Doctor. I can help you, I</p> <p>10 think. Go to the Health Canada report. We marked</p> <p>11 that as Exhibit 12. That is tab 23 in your binder.</p> <p>12 And take a look specifically at page 33.</p> <p>13 A. Yes, I have it.</p> <p>14 Q. Health Canada states or concludes:</p> <p>15 "Collectively, there is</p> <p>16 significant exposure information</p> <p>17 lacking to permit a fulsome</p> <p>18 assessment of biological gradient."</p> <p>19 Do they make that statement?</p> <p>20 A. Yes, they do.</p> <p>21 Q. Biological gradient is</p> <p>22 dose-response; correct?</p> <p>23 A. They are used interchangeably,</p> <p>24 yes.</p> <p>25 Q. All right.</p>	<p>Page 145</p> <p>1 referred to it in the last set of questions, but</p> <p>2 that is a study that you rely on for your opinion</p> <p>3 that there is a dose-response. Does that refresh</p> <p>4 your recollection?</p> <p>5 A. Excuse me, so I don't think it is</p> <p>6 a meta-analysis that you are referring to.</p> <p>7 Q. Doctor, I misspoke and I am sorry.</p> <p>8 The Schildkraut 2016 study.</p> <p>9 A. Yes.</p> <p>10 Q. And you are familiar with that</p> <p>11 study, and you use it as a basis for your opinion</p> <p>12 that there is a dose-response with talcum powder</p> <p>13 and the incidence of ovarian cancer; correct?</p> <p>14 A. Yes, I used that, yes.</p> <p>15 Q. This article that we have marked</p> <p>16 as Exhibit 19, which is Davis and Schildkraut 2021,</p> <p>17 are you familiar with the article?</p> <p>18 A. You know, I have read it. I just</p> <p>19 received it a few days ago, and I have read it.</p> <p>20 And I haven't completely digested it, but I know</p> <p>21 what it is about.</p> <p>22 Q. All right. Let me just go through</p> <p>23 a couple of the high points with you and ask you a</p> <p>24 couple of questions. So Schildkraut and Davis were</p> <p>25 studying in this 2021 article the potential</p>

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<p>1 connection between talc and ovarian cancer in the      2 African-American population; is that right? And I      3 am reading and looking at "Background", page 1      4 under the abstract.</p> <p>5 A. Yes.</p> <p>6 Q. And one of the things that the      7 authors concluded in the paper was that      8 African-American women use talcum powder more often      9 than white women; is that correct?</p> <p>10 A. Yes, I believe so.</p> <p>11 Q. Under "Results", they talk about:      12 "The prevalence of ever genital      13 powder use for cases was 35.8      14 percent among African-American women      15 and 29.5 percent among White women."</p> <p>16 Again, reading from the "Results" in      17 the abstract; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. In this paper, this Davis and      20 Schildkraut paper, they found no dose-response; is      21 that correct?</p> <p>22 MS. PARFITT: Objection to form.</p> <p>23 THE WITNESS: I would have to look at      24 the results.</p> <p>25 BY MR. ZELLERS:</p>	<p>1 that right?</p> <p>2 MS. PARFITT: Objection to form.</p> <p>3 THE WITNESS: Yes, the sentence you      4 read differs from the conclusions of the      5 Schildkraut 2016 paper.</p> <p>6 BY MR. ZELLERS:</p> <p>7 Q. Look at the "Conclusions", Doctor,      8 if you will, and I am back to the abstract on page      9 1. Have you found that?</p> <p>10 A. Yes, I have.</p> <p>11 Q. The Schildkraut and Davis authors      12 found that even though African-American women use      13 talc more than white women, they found no      14 statistically significant association in      15 African-American women, but they did find in white      16 women, right?</p> <p>17 MS. PARFITT: Objection to form. Is      18 that what it says, or is that does he agree?</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. Well, let me withdraw that. Let      21 me -- I am going to read you the first sentence of      22 the "Conclusions" and ask if I have read it      23 correctly and if you agree.</p> <p>24 "Conclusions.</p> <p>25 While genital powder use was</p>
<p>1 Q. Yeah, take a look under      2 "Discussion", page 4, and I am looking at the end      3 of the first paragraph under "Discussion",      4 right-hand column.</p> <p>5 A. Okay. Sorry, I was looking at the      6 tables themselves, but -- so you are saying in the      7 "Discussion" section.</p> <p>8 Q. So page 4, "Discussion".</p> <p>9 A. My numbering of pages is not the      10 same as yours, so --</p> <p>11 Q. Oh, I'm sorry. Do you find      12 "Discussion"?</p> <p>13 A. Yes, I have got it.</p> <p>14 Q. And the last sentence in the first      15 paragraph under "Discussion", the authors state:      16 "There was not a dose-response      17 relationship regarding frequency or      18 duration of genital powder use and      19 ovarian cancer among      20 [African-American] or White women."      21 Did I read that correctly?</p> <p>22 A. You read that correctly.</p> <p>23 Q. That finding is contrary to the      24 finding that we discussed previously in the 2016      25 Schildkraut study with respect to dose-response; is</p>	<p>1 more prevalent among      2 African-American women, the      3 associations between genital powder      4 use and ovarian cancer risk were      5 similar across race and did not      6 materially vary by histotype."      7 Did I read that correctly?</p> <p>8 A. You read that correctly.</p> <p>9 Q. Now, that is not what you would      10 expect if talcum powder was causing ovarian cancer;      11 correct?</p> <p>12 MS. PARFITT: Objection to form.</p> <p>13 THE WITNESS: No, not correct.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. Well, wouldn't you expect that in      16 the population -- or let me withdraw. Wouldn't you      17 expect that ovarian cancer rate would be higher in      18 the African-American population if that population      19 in fact uses more talcum powder?</p> <p>20 A. What you just said might be a      21 rational way to express it, but that is not what      22 they said. That is not what their sentence says.      23 Their sentence says the relationship between talc      24 and ovarian cancer does not differ between the      25 races. They did not say that the risk of ovarian</p>

<p style="text-align: right;">Page 150</p> <p>1 cancer does not vary between the races.      2 So if African-American women have      3 higher use of -- have higher risk factors than      4 white women, we would expect the rates of ovarian      5 cancer to be higher among African-American women.      6 But the relationship between -- the relative risks      7 between talc use and ovarian cancer might not      8 differ at all. It is the difference between two      9 concepts in epidemiology. One is relative risk,      10 and the other is effect modification. Those are      11 different issues, but I don't want to go down that      12 rabbit hole, I don't think.</p> <p>13 Q. All right. Doctor, you are      14 familiar with IARC and served as a member of the      15 IARC scientific council for some period of time; is      16 that right?</p> <p>17 A. That's right.</p> <p>18 Q. When did your time serving on the      19 IARC scientific council end?</p> <p>20 A. Approximately 2010.</p> <p>21 MS. PARFITT: Objection to form.</p> <p>22 BY MR. ZELLERS:</p> <p>23 Q. And I am confused a bit in that      24 you were listed as a member of the working group      25 for the 2012 monograph. Number one, are you aware</p>	<p style="text-align: right;">Page 152</p> <p>1 by "service to IARC". So I was no longer on the      2 scientific council, but I -- over the past 40      3 years, I have been called on by IARC to serve on      4 various ad hoc committees and expert panels and      5 collaborations. So, you know, things can come up      6 periodically where they ask me to sit in for a year      7 on a committee or not.</p> <p>8 BY MR. ZELLERS:</p> <p>9 Q. All right, fair enough. Let me be      10 a little more precise then. You served on the      11 working group and actually were Chair of the      12 working group in 2006 that looked at the perineal      13 use of talcum powder; correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And you served as a member of the      16 working group in 2012 that looked at the issue of      17 asbestos and cancer risk; correct?</p> <p>18 A. Correct, but I am not sure of the      19 date. The --</p> <p>20 Q. Understood. There was a monograph      21 that was published in 2012. Your work may have      22 preceded that; correct?</p> <p>23 A. That's right.</p> <p>24 Q. All right. And have you been --</p> <p>25 MS. PARFITT: And Michael, Mr. Zellers,</p>
<p style="text-align: right;">Page 151</p> <p>1 of the 2012 IARC monograph dealing with asbestos?</p> <p>2 A. Yes.</p> <p>3 Q. Were you a member of the working      4 group that analyzed that issue?</p> <p>5 A. Yes.</p> <p>6 Q. Is your testimony that your role      7 in analyzing that issue ended around 2010, or did      8 you continue with IARC for some period beyond that?</p> <p>9 A. Those two things are completely      10 independent of each other. Serving on the      11 scientific council and serving on a working group      12 for a monograph have nothing to do with each other.</p> <p>13 But to answer your question, I can look      14 up my CV and look for exact dates, but I don't      15 remember whether I was still a member of the      16 scientific council when I was on that working group      17 or not.</p> <p>18 Q. Fair enough, Doctor, and we can go      19 and we can look at your CV and get an answer to      20 that. It is fair to state that when you were first      21 deposed -- let me withdraw that. When you prepared      22 your original report November of 2018, you had long      23 left any service with IARC; correct?</p> <p>24 MS. PARFITT: Objection to form.</p> <p>25 THE WITNESS: It depends what you mean</p>	<p style="text-align: right;">Page 153</p> <p>1 I am going to stop at this point in time, again,      2 unless there is a question about that post-dates      3 January of 2019 when he was deposed. These      4 questions about the 2010 and 2012 monograph were      5 discussed previously.</p> <p>6 MR. ZELLERS: Well, actually, 2012 was      7 not, but, Michelle, this is foundation for the      8 statements and the references to IARC that are      9 contained in the Doctor's amended report. So I am      10 mindful of your objection.</p> <p>11 MS. PARFITT: All right, I appreciate      12 that.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. But let me ask a couple of other      15 foundational questions. You are not today speaking      16 on behalf of IARC; correct?</p> <p>17 A. Correct.</p> <p>18 Q. And you are not speaking on behalf      19 of IARC either when you prepared your original      20 report in November of 2018 or your amended report      21 in June of 2012; is that right?</p> <p>22 A. Correct. I think you mean June      23 2021.</p> <p>24 Q. Yes, I do, Doctor. Thank you for      25 correcting the record on that. In your 2019</p>

<p>1 deposition, MDL deposition, you stated that you had      2 a quick word with Kurt Straif at IARC about another      3 complete evaluation of talc. Do you recall      4 generally that testimony or at least having a quick      5 word with Kurt Straif?</p> <p>6 A. Yes, I remember having a word with      7 him about it.</p> <p>8 Q. And who is Kurt Straif?</p> <p>9 A. I think the correct question is      10 who was he at the time. He is a scientist. He is      11 an epidemiologist. And he was the Director of the      12 IARC monograph program for, you know, probably 6 or      13 7 years during the teens, and he was in 2018 or      14 '19, when I had a word with him about it. He is no      15 longer the Director of that program. He has moved      16 somewhere else.</p> <p>17 Q. I'll go back to look at your CV,      18 but you have not been involved in any analysis by      19 IARC of talc or asbestos after the 2012 monograph      20 was published; correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Now, in 2019 when you were      23 deposed, you said that you had a quick word with      24 Kurt Straif and that you were going to submit or      25 might submit a more formal proposal. Did you ever</p>	<p>Page 154</p> <p>1 think it is in the -- actually, I don't remember      2 mentioning it in this. You say that I mentioned it      3 in my report; is that correct? I might have, but I      4 don't remember.</p> <p>5 Q. I believe I saw that, and we can      6 take a look under "Materials Considered", if need      7 be. But let me ask you first, are you familiar      8 with that commentary --</p> <p>9 A. Yes, I am.</p> <p>10 Q. -- by Samet?</p> <p>11 MS. PARFITT: Objection to form.</p> <p>12 Objection to form. You need it in front of you,      13 Dr. Siemiatycki.</p> <p>14 THE WITNESS: So I am familiar with it,      15 but it is not fresh in my mind.</p> <p>16 BY MR. ZELLERS:</p> <p>17 Q. Then I'll be very general with my      18 questions. Do you agree that simply calling      19 something carcinogenic in the absence of      20 epidemiological or experimental data would not be      21 scientifically valid?</p> <p>22 MS. PARFITT: Objection to form.</p> <p>23 THE WITNESS: So I think that most      24 cancer scientists would agree that in the absence      25 of epidemiologic evidence, it is possible to</p>
<p>Page 155</p> <p>1 submit a more formal proposal to IARC about the      2 study or evaluation of talc as a possible      3 carcinogen?</p> <p>4 A. No, I didn't. I didn't. I heard      5 subsequently that they had put it on a list of      6 topics to address in the future. They have, I      7 think, five-year plans that they lay out, and they      8 invite all interested parties to submit suggestions      9 of agents to evaluate or occupations or industries      10 to evaluate. And I learned, I can't remember when,      11 that they had put talc on such a list. I have no      12 idea at this point where it is in their priorities.      13 I think they get a lot of requests from different      14 interests to evaluate different agents.</p> <p>15 Q. And I think you refer to this IARC      16 advisory group on page 70 of your amended report;      17 does that sound right?</p> <p>18 A. I'll have a quick look. I guess      19 so, yes.</p> <p>20 Q. All right. You also reference in      21 your amended report a commentary by Samet      22 discussing IARC's ongoing role in the scientific      23 review and evaluation of carcinogenic hazards by      24 experts; is that right?</p> <p>25 A. I think so. Do you know where? I</p>	<p>Page 155</p> <p>1 declare an agent as carcinogenic under certain      2 circumstances.</p> <p>3 BY MR. ZELLERS:</p> <p>4 Q. Your testimony is in the absence      5 of epidemiological and experimental data?</p> <p>6 A. Oh, no, sorry, maybe restate your      7 question? Maybe I misunderstood it.</p> <p>8 Q. Well -- and we are getting toward      9 the end, so maybe I wasn't as precise. Do you      10 agree that simply calling something carcinogenic in      11 the absence of epidemiological or experimental data      12 would not be scientifically valid?</p> <p>13 A. Yes, I think so.</p> <p>14 MS. PARFITT: Objection to form.</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. You would not condone or approve      17 of calling something a human carcinogen just      18 because it grows in the asbestiform habit if there      19 has been no scientific study to support that;      20 correct?</p> <p>21 MS. PARFITT: Objection to form.</p> <p>22 THE WITNESS: Well, I think that one      23 would have to examine the consequences of the      24 statement that it grows in the asbestiform habit      25 and how that relates to known carcinogenesis of</p>

<p style="text-align: right;">Page 158</p> <p>1 asbestos or any of the types of asbestos.      2 But -- so if you are asking a generic      3 question about whether something that has some      4 characteristics in common with a carcinogen should      5 be labelled as a carcinogen, my answer is no. But      6 if something that looks like a carcinogen and has      7 some critical biological effects that resemble      8 those of the known carcinogen, then you could make      9 a case for it. I would certainly not put it into      10 the same level of evidence as an agent which has      11 been evaluated and shown to be carcinogenic in      12 itself, either in human or animal systems.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. The bottom line is you need      15 epidemiologic data or experimental data to support      16 that a mineral is carcinogenic; correct?</p> <p>17 MS. PARFITT: Objection to form,      18 misstates his testimony.</p> <p>19 THE WITNESS: Correct.</p> <p>20 BY MR. ZELLERS:</p> <p>21 Q. All right. Doctor, do you agree      22 that it would not be scientifically valid to call      23 fibrous minerals a carcinogen until there has been      24 some study?</p> <p>25 MS. PARFITT: Objection to form.</p>	<p style="text-align: right;">Page 160</p> <p>1 course.      2 MR. ZELLERS: Dr. Siemiatycki, ten      3 minutes good?</p> <p>4 THE WITNESS: As you wish. I am fine,      5 thank you.</p> <p>6 MR. ZELLERS: Let's come back in ten      7 minutes. Thank you.</p> <p>8 -- RECESSED AT 2:32 P.M.      9 -- RESUMED AT 2:47 P.M.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. Dr. Siemiatycki, one last question      12 before I turn it over to counsel for the      13 Plaintiffs, if they have any questions. Have you      14 made any attempt to publish either your report or      15 your meta-analysis that you have testified about      16 here today?</p> <p>17 A. No, I haven't, not yet.</p> <p>18 Q. You have not submitted it to any      19 journals?</p> <p>20 A. No, I have not.</p> <p>21 MR. ZELLERS: I have no further      22 questions for you at this time, subject to a few      23 more questions when Ms. Parfitt or Mr. Tisi are      24 finished examining.</p> <p>25 EXAMINATION BY MS. PARFITT:</p>
<p style="text-align: right;">Page 159</p> <p>1 THE WITNESS: Yes. I am cognizant of      2 the fact that the terminology around fibrous      3 minerals has been evolving over the past 30 years,      4 and I am not up to date with the latest usages and      5 so on. But in general, I would agree with what you      6 just said.</p> <p>7 BY MR. ZELLERS:</p> <p>8 Q. I understand IARC may look, you      9 know, in the future at more of these issues, and      10 you have cited, you know, both on page 70, the      11 advisory group and then you are familiar at least      12 with the Samet commentary. It is true, though,      13 that IARC, at least in the working groups you were      14 involved in, did not cite to any studies showing      15 that asbestiform or fibrous talc were carcinogenic;      16 correct?</p> <p>17 MS. PARFITT: Objection to form.</p> <p>18 THE WITNESS: I don't recall.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. All right. Ms. Parfitt, let's      21 take a break. I think I'm essentially finished,      22 but I would like to check with my co-counsel here.</p> <p>23 So can we take, what, a five,      24 ten-minute break?</p> <p>25 MS. PARFITT: Sure, of course. Of</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Very good. Thank you. Dr.      2 Siemiatycki, if you would take your report, your      3 amended report, which is dated 2021, June 30, if      4 you would get that out, sir.</p> <p>5 A. Yes.</p> <p>6 Q. All right. If you turn to page 66      7 of your report.</p> <p>8 A. Yes.</p> <p>9 Q. All right. Under the category of      10 "Biological plausibility", the first paragraph, are      11 you there?</p> <p>12 A. Yes, I am.</p> <p>13 Q. It starts with "The first thing      14 [...]" do you see that?</p> <p>15 A. Yes, I do see that.</p> <p>16 Q. All right. It reads:      17 "The first thing to note about      18 this aspect that Bradford Hill      19 listed is that it is called      20 'biological plausibility', not      21 'biological proof'."</p> <p>22 Do you still agree with that statement?</p> <p>23 A. Yes, I do.</p> <p>24 Q. So your opinion is there is a      25 distinction between biological plausibility and</p>

Page 162	Page 164
1 biological proof; correct?	1 numerous questions by Mr. Zellers. Is there
2 A. Correct.	2 anything or any question or issue raised by Mr.
3 Q. All right. And it is your opinion	3 Zellers that changes your opinion that the use of
4 that the Bradford Hill principles suggest it is	4 talcum powder products can cause ovarian cancer?
5 biological plausibility, not biological proof;	5 A. No, nothing has changed my mind.
6 correct?	6 MS. PARFITT: Okay, with that, I have
7 A. The Bradford Hill considerations	7 no further questions. Thank you so much, Dr.
8 concern biological plausibility. He never referred	8 Siemiatycki. Mr. Zellers.
9 to biological proof.	9 MR. ZELLERS: Yes, and, Ms. Parfitt,
10 Q. All right. If you'll turn to the	10 thank you. Give me one minute just to consult with
11 next page, page 67 of your expert report, 2021.	11 my co-counsel here, if you will?
12 Are you there?	12 MS. PARFITT: Of course.
13 A. Yes, I am.	13 MR. ZELLERS: Thank you.
14 Q. All right. And the first full	14 MS. PARFITT: Thank you.
15 paragraph, it starts "As indicated [...]" ; are you	15 -- RECESSED AT 2:52 P.M.
16 there?	16 -- RESUMED AT 2:53 P.M.
17 A. Yes, I am.	17 MR. ZELLERS: Let's go back on the
18 Q. In the context of biological	18 record. Doctor, I have no further questions for
19 plausibility, you state:	19 you today. Thank you for your time.
20 "As indicated above, commercial	20 THE WITNESS: Thank you very much, Mr.
21 cosmetic talcum powder products may	21 Zellers.
22 contain established carcinogens such	22 MS. PARFITT: Thank you all.
23 as asbestos, asbestiform talc, and	23
24 some heavy metals."	24 -- Adjourned at 2:53 p.m.
25 Do you still agree with that statement?	25
Page 163	Page 165
1 MR. ZELLERS: Objection, form.	1 CERTIFICATE OF REPORTER
2 THE WITNESS: Yes, I do.	2 CANADA )
3 BY MS. PARFITT:	3 PROVINCE OF ONTARIO )
4 Q. All right. You then go on to say	4
5 and you opine that:	5 I, Deana Santedicola, the officer before whom the
6 "It is biologically plausible	6 foregoing deposition was taken, do hereby certify
7 that some of these, in contact with	7 that the witness whose testimony appears in the
8 the ovaries, can initiate tumors."	8 foregoing deposition was duly sworn by me; that the
9 Did I read that correctly?	9 testimony of said witness was taken by me in
10 MR. ZELLERS: Objection. Go ahead	10 shorthand, using Computer Aided Realtime, to the
11 answer that question, Doctor.	11 best of my ability and thereafter reduced to
12 THE WITNESS: Yes.	12 written format under my direction; that reading and
13 BY MS. PARFITT:	13 signing was requested; that I am neither counsel
14 Q. Again, I said:	14 for, related to, nor employed by any of the parties
15 "It is biologically plausible	15 to the action in which the deposition was taken,
16 that some of these, in contact with	16 and further that I am not related or any employee
17 the ovaries, can initiate tumors."	17 of any attorney or counsel employed by the parties
18 Did I read that correctly?	18 thereto, nor financially or otherwise interested in
19 A. Yes, you did.	19 the outcome of the action.
20 Q. Is that still your opinion?	20
21 MR. ZELLERS: Objection, form.	21
22 THE WITNESS: Yes.	22
23 BY MS. PARFITT:	23
24 Q. Dr. Siemiatycki, during the course	24 Deana Santedicola, RPR, CRR, CSR (Ont.)
25 of the last three or so, four hours, you were asked	25 Commissioner for taking
	oaths in the Province of Ontario

<p style="text-align: right;">Page 166</p> <p>1                   INSTRUCTION TO WITNESS</p> <p>2</p> <p>3                 Read your deposition over carefully. It</p> <p>4                 is your right to read your deposition and make</p> <p>5                 changes in form or substance. You should assign a</p> <p>6                 reason in the appropriate column on the erratum</p> <p>7                 sheet for any change made.</p> <p>8                 After making any changes in form or</p> <p>9                 substance, and which have been noted on the</p> <p>10                following erratum sheet, along with the reason for</p> <p>11                any change, sign your name on the erratum sheet and</p> <p>12                date it.</p> <p>13                 Then sign your deposition at the end of</p> <p>14                 your testimony in the space provided. You are</p> <p>15                 signing it subject to the changes you have made in</p> <p>16                 the erratum sheet, which will be attached to the</p> <p>17                 deposition before filing. You must sign it in</p> <p>18                 front of a witness. The witness need not be a</p> <p>19                 notary public. Any competent adult may witness</p> <p>20                 your signature.</p> <p>21                 Return the original erratum sheet</p> <p>22                 promptly. Court rules require filing within 30</p> <p>23                 days after you receive the deposition.</p> <p>24</p> <p>25</p>	Page 168
<p>1                 PROVINCE OF QUEBEC )</p> <p>2                 MONTREAL REGION )</p> <p>3</p> <p>4                 I, the undersigned, declare under</p> <p>5                 penalty of perjury that I have read the foregoing</p> <p>6                 transcript, and I have made any corrections,</p> <p>7                 additions or deletions that I was desirous of</p> <p>8                 making;</p> <p>9                 That the foregoing is a true and</p> <p>10                correct transcript of my testimony contained</p> <p>11                therein.</p> <p>12</p> <p>13                 (WITNESS)</p> <p>14</p> <p>15                 Subscribed and sworn to before me this _____</p> <p>16                 day of _____, 2021 at _____</p> <p>17</p> <p>18                 _____, _____ (City)            (Province)</p> <p>19</p> <p>20                 _____ (Notary Public)</p> <p>21                 My Commission Expires: _____</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 167
<p>1                 *** ERRATA SHEET ***</p> <p>2</p> <p>3                 NAME OF CASE: IN RE JOHNSON &amp; JOHNSON TALCUM</p> <p>4                 POWDER PRODUCTS MARKETING, SALES PRACTICES, AND</p> <p>5                 PRODUCTS LIABILITY LITIGATION</p> <p>6                 DATE OF DEPOSITION: SEPTEMBER 21, 2021</p> <p>7                 NAME OF WITNESS: JACK SIEMIATYCKI, MSc, PhD</p> <p>8                 PAGE   LINE   FROM   TO</p> <p>9                 _____ _____ _____ _____ </p> <p>10                _____ _____ _____ _____ </p> <p>11                _____ _____ _____ _____ </p> <p>12                _____ _____ _____ _____ </p> <p>13                _____ _____ _____ _____ </p> <p>14                _____ _____ _____ _____ </p> <p>15                _____ _____ _____ _____ </p> <p>16                _____ _____ _____ _____ </p> <p>17                _____ _____ _____ _____ </p> <p>18                _____ _____ _____ _____ </p> <p>19                _____ _____ _____ _____ </p> <p>20                _____ _____ _____ _____ </p> <p>21</p> <p>22                 NAME</p> <p>23                 Subscribed and sworn to before me</p> <p>24                 this ____ day of _____, 2021.</p> <p>25                 _____ (Notary Public)</p> <p>26                 My Commission Expires: _____</p>	